



Crl.R.C.No.1090 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1090 of 2025

Kamalakannan

... Petitioner

Vs

State Rep. By
The Inspector of Police,
J-13, Tharamani Police Station,
Chennai – 600 113.
(Crime No.520 of 2021)

... Respondent

Prayer : Criminal Revision Case filed under Section 397 & 401 of Cr.P.C., pleased to set aside the dismissal order dated 15.12.2023 made by the learned XVII Additional Sessions Judge, Chennai and restore the Crl.A.No.460 of 2023 and confirmed the order passed in C.C.No.760 of 2022 on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.A.B.Ashok

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

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This Criminal Revision Case has been preferred against the order dated 15.12.2023 passed in Crl.A.No.460 of 2023 by the learned XVII Additional Sessions Judge, Chennai, thereby dismissing the appeal.

2. Heard the learned counsel appearing for the parties and also perused the materials available on record.

3. Originally, the petitioner was convicted by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai in C.C.No.760 of 2022 for the offences punishable u/s 457 and 380 of IPC and he was sentenced to undergo three years rigorous imprisonment and to pay fine of Rs.5,000/-, in default to undergo a further period of three months simple imprisonment for the offence u/s 457 IPC and he was also sentenced to undergo two years rigorous imprisonment and to pay fine of Rs.5,000/-, in default to undergo a further period of three months simple imprisonment for the offence u/s 380 IPC vide order dated 11.11.2022. Aggrieved by the same, the petitioner has preferred an appeal in Crl.A.No.460 of 2023 on the file of learned XVII Additional Sessions Judge, FTC III, Chennai. However, the petitioner failed to appear before



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the lower Appellate court on 15.12.2023. Hence, the lower Appellate

Court dismissed the appeal. This Court is of the view that the appeal filed against the order of conviction and sentence imposed on the petitioner cannot be dismissed on the ground of non-appearance of the petitioner. Therefore, this Court is of the view that the petitioner may be given one more opportunity to putforth his case before the lower Appellate Court.

4. In view of the above, the order dated 15.12.2023 passed by the learned XVII Additional Sessions Judge, FTC III, Chennai in Crl.A.No.460 of 2023 is hereby set aside. The lower Appellate Court is directed to issue summons to the parties, proceed with the case and dispose the same on merits and in accordance with law, within a period of six (6) months from the date of receipt of a copy of this order. The petitioner shall co-operate with the lower Appellate Court for the expeditious disposal of the case. It is made clear that if there is no representation on behalf of the petitioner, the lower Appellate Court is directed to engage a legal-aid counsel on behalf of the petitioner and proceed with the case.



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5. With the above directions, this Criminal Revision Case is allowed.

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Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp

To

- 1.The XVII Additional Sessions Judge, FTC III, Chennai.
- 2.The XVIII Metropolitan Magistrate, Saidapet, Chennai.
- 3.The Public Prosecutor, Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN, J.

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