



Crl.R.C.No.856 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2025

CORAM:

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

Crl.R.C.No.856 of 2025 and
Crl.MP.No.14388 of 2025

1.Tamilvanan

2.Suresh

3.Vairamuthu

4.Yoganath

..... Petitioners

Vs

1.The Inspector of Police
Thirukkuvalai Police Station
2.State rep. by Public Prosecutor,
Nagapattinam

..... Respondents

PRAYER:

Criminal Revision Case filed under Section 438 and 442 of BNSS, 2023, praying to set aside the judgment and order dated 22.01.2025 in CA.No.24 of 2015 on the file of learned District and Sessions Court, Nagapattinam for convicting the petitioner and the above appeal and confirming the judgment dated 04.05.2015 passed in SC.No.15 of 2014 on the file of the Chief Judicial Magistrate Court, Nagapattinam.



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For Petitioners : Mr.T.Ananthasekar

For Respondents : Mr.A.Gopinath,
Government Advocate(crl.side)

ORDER

This criminal revision case has been preferred against the judgment dated 22.01.2025 passed in CA.No.24 of 2015 on the file of the learned District and Sessions Court, Nagapattinam, thereby dismissed the appeal filed by the petitioners.

2. Heard, the learned counsel appearing on either side and perused, all the materials placed before this Court.

3. On perusal of records, it is revealed that all the petitioners were convicted for the offences punishable under Sections 419, 457 & 397 of IPC and sentences were imposed by the trial court by judgment dated 04.05.2015 passed in SC.No.15 of 2014 on the file of the Chief Judicial Magistrate Court, Nagapattinam.. Aggrieved by the same, the petitioners preferred appeal. Pending appeal, they were not present before the appellate court and as such, the appellate court issued bailable warrant against them and the same was



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pending without execution. Therefore, the appellate court dismissed the appeal

on the ground that the appeal was pending from the year 2015 without any progress since bailable warrant was pending against the petitioners. However, at any cost, an appeal against conviction cannot be dismissed for default or any other reason as it has to be dealt with in accordance with law. Further, if warrant is pending against an accused person, the appellate court has to issue necessary direction to police to execute the warrant. Instead, the appellate court dismissed the appeal on the ground that warrant was pending against the petitioners. The trial court was also directed to execute the order of conviction and sentence imposed on them. Now, pending this criminal revision case, all the petitioners have surrendered before the trial court in order to undergo the sentence imposed by the trial court.

4. In view of the above, the impugned judgment cannot be sustained and the same is liable to be set aside. Accordingly, the impugned judgment dated 22.01.2025 passed in CA.No.24 of 2015 on the file of learned District and Sessions Court, Nagapattinam, by which the judgment dated 04.05.2015 passed in SC.No.15 of 2014 on the file of the Chief Judicial Magistrate Court, Nagapattinam was confirmed, is set aside and the appeal in CA.No.24 of 2015 is remanded back to the appellate court i.e. learned District and Sessions Court,



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Nagapattinam for fresh disposal. The petitioners are at liberty to approach the

WE B C O N aforesaid appellate court for suspension of sentence and the appellate court is directed to consider the petition seeking suspension of sentence on merits and in accordance with law. The appellate court is directed also to dispose of the appeal as expeditiously as possible. It is also made clear that if no counsel appears for the petitioners, the appellate court is directed to engage a counsel from legal aid and dispose of the appeal in accordance with law.

5. With the above directions, this criminal revision case stands allowed.

Consequently, connected miscellaneous petition is closed.

24.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

- 1.The learned District and Sessions Court, Nagapattinam
- 2.The Chief Judicial Magistrate Court, Nagapattinam.
- 3.The Inspector of Police
Thirukkuvalai Police Station
- 4.Public Prosecutor,
Nagapattinam
- 5.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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