



Crl.O.P.No.29964 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 29964 of 2025

K.Palanivel

... Petitioner

Vs.

N.Rukmangathan

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, to call for the records in Crl.A.No.1033 of 2025 on the file of the XXI Additional Sessions cum District City Civil Court, Chennai, Allikulam and to set aside the order dated 20.09.2025 in Crl.M.P.No.1 of 2025.

For Petitioner : Mr. G.K.Thamizh Arasan



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ORDER

WEB COPY This criminal original petition is filed to set aside the order passed by the learned XXI Additional Sessions cum District City Civil Judge, Chennai, Allikulam, dated 20.09.2025, in Crl.M.P.No.1 of 2025.

2. The learned counsel for the petitioner would submit that the petitioner had filed an appeal in Crl.A.No.1033 of 2025, on the file of the XXI Additional City Civil Court, Chennai, against the order of conviction in STC.No.1362 of 2023, on the file of the XXV Metropolitan Magistrate, Egmore, Chennai.

3. When the matter had come up on 29.08.2025, the petitioner was present and the learned Judge was pleased to post the case on 08.10.2025. The petitioner had appeared on 08.10.2025, however, the learned Judge on the previous date of hearing i.e., on 20.09.2025 had dismissed the application seeking suspension of sentence and issued NBW against the petitioner.



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4. Challenging the same, the present criminal original petition has been filed by the petitioner.

5. Heard the learned counsel for the petitioner and perused the records.

6. The case status for the hearing dates, namely, 29.08.2025 and 08.10.2025, are extracted hereunder:

City Civil Court, Chennai

In The Court Of: XXI ADDITIONAL JUDGE -

CNR Number : TNCH010014382025

Case Number : CRLA/0001033/2025

Date : 29-08-2025

K.Palanivel Versus N.Rukmangadham

Daily Status

Business	Next Purpose	Next Hearing Date
M.P.No.1/2025 is pending. For Counter. Call on 10-09-2025. CRLA - Appellant present. Counsel for Appellant present. No representation for the respondent. Cri.M.P.1/2025 is pending. Call for records by 08.10.2025.	Await Records	08-10-2025



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City Civil Court, Chennai

In The Court Of : XXI ADDITIONAL JUDGE

CNR Number : TNCH010014382025

Case Number : CRLA/0001033/2025

Date : 08-10-2025

K Palaniivel Versus N Rukmangathan

Daily Status

Business	Next Purpose	Next Hearing Date
M.P.No.1/25 is dismissed on 20.09.2025. Await Trial Court Records. Accused absent. No representation. Issue NBW against Accused. Await Records by 27.11.2025.	Await Records	27-11-2025

7. A perusal of the daily case status clearly shows that when the matter was listed on 29.08.2025, the learned Judge adjourned the matter to 08.10.2025. However, when the petitioner appeared on 08.10.2025, it was informed that Crl.M.P.No.1 of 2025 was dismissed on 20.09.2025. The dismissal has been done in a wrong date, without giving proper intimation to the petitioner.

8. In view of the above, the order dated 20.09.2025, passed in



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Crl.M.P.No.1 of 2025 is set aside and the case is restored to the file of the XXI Additional Sessions - cum - District City Civil Court, Chennai, Allikulam. The petitioner shall appear before the learned XXI Additional Sessions - cum - District City Civil Judge, Chennai, Allikulam, on the next hearing date i.e., 27.11.2025 and the learned Judge shall hear the matter in Crl.M.P.No.1 of 2025 and pass orders on merits.

9. Accordingly, this criminal original petition is allowed.

04.11.2025

Neutral Citation:Yes/No

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1.The XXI Additional Session cum
District City Civil Judge,
Chennai,
Allikulam.

2.The Public Prosecutor,
Madras High Court,
Chennai.



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A.D.JAGADISH CHANDIRA, J.

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