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Crl.R.C.No.2782 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.2782 of 2025
& CRL.MP.Nos.24310 & 24312 of 2025

D.Harish Babu

...Petitioner

-Vs-

State through,
The Inspector of Police,
Central Crime Branch,
Vepery, Chennai – 600 008.
(CCB Crime No.54 of 2017)

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438 and 442 of BNSS Act, 2023, to call for the records in Crl.A.No.749 of 2025 on the file of the learned I Additional Sessions Judge, City Civil Court at Chennai and allow the revision and set-aside the order dated 20.09.2025 in Crl.A.No.749 of 2025 on the file of the learned I Additional Sessions Judge, City Civil Court at Chennai confirming the order in C.C.No.3768 of 2021 dated 08.05.2025 passed by the learned Additional Metropolitan Magistrate for exclusive trial of CCB cases (Relating to Cheating cases in Chennai) & CBCID Metro Cases at Egmore, Chennai.

For Petitioner : Mr.R.Rajasekaran
For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl. Side)



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ORDER

The Revision challenges the Judgment passed in Crl.A.No.749 of 2025, by which the petitioner's appeal challenging the Judgment of conviction and sentence passed by the learned Additional Metropolitan Magistrate for exclusive trial of CCB and CBCID Metro Cases (Relating to Cheating cases), Egmore Chennai for the offences under Sections 408, 420, 465, 467 and 471 of IPC was dismissed for non-prosecution.

2.The petitioner had filed an appeal in June 2025. The learned Principal Sessions Judge, suspended the sentence and made over the case to the First Additional Sessions Judge. It appears that the petitioner was not present when the case was called on the date of hearing and had also not paid batta to serve notice to the respondent. Hence, the appeal was dismissed for non-prosecution.

3.The learned counsel for the petitioner would submit that the appeal ought not to have been dismissed for non-prosecution, as it is well settled that the appellate Court ought to have decided the appeal on merits.



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4.From the impugned Judgment, it is seen that the conduct of the petitioner cannot be justified. The petitioner ought to have been present in person or through counsel when the case was called. However, an appeal against the Judgment of conviction cannot be dismissed for default. The learned Judge ought to have heard the case on merits. Even if the petitioner was not represented, he ought to have appointed a legal aid counsel.

5.Hence, the impugned Judgment is set aside and the learned Judge is directed to decide the appeal on merits. If the appellant fails to comply with any of the directions of the learned Judge, it is open to the learned Judge to appoint a legal aid counsel and decide the appeal on merits.

6.The Revision is accordingly allowed. Consequently, the connected criminal miscellaneous petitions are closed.

18.12.2025

Tsg



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SUNDER MOHAN, J.,

Tsg

To

1.The Additional Metropolitan Magistrate
for exclusive trial of CCB cases
(Relating to Cheating cases in Chennai)
& CBCID Metro Cases at Egmore, Chennai

2. I Additional Sessions Judge,
City Civil Court at Chennai.

3.The Inspector of Police,
Central Crime Branch,
Vepery, Chennai – 600 008.
(CCB Crime No.54 of 2017).'

4.The Public Prosecutor,
Madras High Court.

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