



Crl.O.P.(MD)No.22283 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD)No.22283 of 2025

Murugan,
S/o.Balasubramanian

... Petitioner

Vs.

The State of Tamilnadu represented
through the Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
(Crime No.149 of 2018)

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to set aside the returning order passed in unnumbered criminal appeal filed by the petitioner herein in F/13204/2023-TNTL010170952023 on the file of the Principal District and Sessions Court, Tirunelveli and to direct the learned Principal District and Sessions Court, Tirunelveli to number the same.

For Petitioner : Mr.N.Pragalathan,
Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor



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ORDER

Challenging the returning docket order passed by the Principal District and Sessions Court, Tirunelveli, in the unnumbered Criminal Appeal filed by the petitioner in F/13204/2023–TNTL010170952023, this Criminal Original Petition has been filed.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner was tried for the offences under Sections 294(b), 353, 307, 506(2), and 379 of the IPC before the learned Assistant Sessions Judge, Ambasamudram, in S.C. No.146 of 2019, which ended in conviction. Aggrieved by the same, the petitioner preferred an appeal before the learned District and Sessions Judge, Tirunelveli. However, the said appeal was returned by relying upon the order of this Court in W.P.(MD)Nos.19936 of 2017, etc. batch, stating that only the Special Court designated to try offences under MMDR, Act (sand theft) has jurisdiction to entertain the appeal.



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4. It was further submitted that since the trial was conducted before the learned Assistant Sessions Judge, Ambasamudram, the appellate Court would be the Principal District and Sessions Court, Tirunelveli. Hence, the returning docket order is incorrect and not sustainable in law, and the petitioner seeks to set aside the impugned docket order.

5. Mr.S.Ravi, learned Additional Public Prosecutor, fairly conceded that only the learned Principal District and Sessions Judge, Tirunelveli, has jurisdiction to entertain the appeal against the judgment passed by the learned Assistant Sessions Judge, Ambasamudram, in S.C.No.146 of 2019.

6. In view of the above, the impugned docket order is set aside, and the learned Principal District and Sessions Judge, Tirunelveli, is directed to take the appeal on file forthwith. The learned Principal District and Sessions Judge, Tirunelveli, is also directed to condone the delay, if any, caused by the petitioner in preferring this Criminal Original Petition before this Court, at the time of admitting the appeal.



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7. Accordingly, this Criminal Original Petition is allowed. The Registry is directed to return all the original documents pertaining to the said appeal to the petitioner's counsel after substituting copies of the same.

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NCC : Yes / No
Index : Yes / No
Internet : Yes

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To

1.The Principal District and Sessions Court,
Tirunelveli.

2.The Assistant Sessions Court,
Ambasamudram.



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L.VICTORIA GOWRI, J.

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