



WEB COPY

CRL OP No. 5039 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 5039 of 2026

Chandru @ Chandresh

..Petitioner(s)

Vs

The State rep.by
Inspector of Police
Thally Police Station,
Thally, Krishnagiri,
Crime No.170/2016

..Respondent(s)

To direct the registry of Principal District Sessions Judge, Krishnagiri to number the appeal in Crl.A.Sr.No.712/2026 filed on 20.01.2026 against impugned order made in SC.No.30/2023 on the file of the learned Assistant Sessions Judge, Denkanikottai dated 28.04.2025 and grant such other further relief as this Honble Court

For Petitioner(s):

Mr.M.RAVINDHAR
FOR M/s.R.DHINESH KUMAR ASSOCIATES

For Respondent(s):

Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor



ORDER

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This Criminal Original Petition has been filed seeking a direction to the Registry of Principal District Sessions Judge, Krishnagiri to number the appeal in Crl.A.Sr.No.712/2026 filed on 20.01.2026 against impugned order made in SC.No.30/2023 on the file of the learned Assistant Sessions Judge, Denkanikottai dated 28.04.2025.

2. The petitioner is the third accused in SC.No.30 of 2023. He was convicted by the Assistant Sessions Judge, Denkanikottai, by judgment dated 28.04.2025 and sentenced to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.5,000/- for the offence under Section 451 IPC and 10 years Rigorous Imprisonment and to pay a fine of Rs.5,000/- for the offence under Section 395 read with 397 IPC. Aggrieved against the judgment, the petitioner preferred an appeal before this Court in Crl.A.SR.No.90628 of 2025 on 04.11.2025, and the same was returned on 10.11.2025 with the following endorsement:

“In view of judgment made in Crl.OP.No.27089 & 27094 of 2004, dated 30.06.2025, Appropriate petition to be filed before appropriate Forum. (Sc.30/23 Assistant Sessions Judge, Denkanikottai)”



Thereafter, the petitioner filed a Criminal Appeal before the Principal District Sessions Judge, Krishnagiri in Crl.A.Sr.No.712/2026 and the same was returned on 02.02.2026 with the following endorsement:

“Returned.

1. Appeal not maintainable before this Court due to sentence of 10 years imprisonment.

This petition to be filed in proper Court.

Hence Returned.”

In view of the above, the present Criminal Original Petition has been filed.

3. The contention of the petitioner is that since the petitioner has been convicted and sentenced to ten years imprisonment for the offences under Sections 395 and 397 IPC by the Sub Judge, the appeal lies only before the High Court in view of Section 374 (2) of Criminal Procedure.

4. Section 374 (2) of Criminal Procedure reads as follows:

“Any person convicted on a trial held by a Sessions Judge or an Additional Sessions Judge or on a trial held by any other court in which a sentence of imprisonment for more than seven years [has been passed against him or against any other person convicted at the same trial], may appeal to the High Court.”



5. In view of the provision, the appeal ought to have been entertained by the High Court and not returned. Further, the order referred in the return endorsement is Crl.O.P.No.27089 and 27094 of 2004 dated 30.06.2025, which pertains to a private complaint appeal under acquittal, particularly, for the offence under Section 138 of NI Act. Hence, the Registry not entertaining the present appeal is not proper.

6. In view of the above, this Court directs the petitioner to resubmit the returned appeal papers along with annexed documents. The Registry is directed to number the appeal without any delay and without raising any objections and post for admission before this Court along with the suspension of sentence petition.

7. Accordingly, this Criminal Original Petition is disposed of.

13-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
PVS



To

1. The Principal District Sessions Judge,
Krishnagiri
2. The Assistant Sessions Judge, Denkanikottai
3. The Inspector of Police
Thally Police Station,
Thally, Krishnagiri,
Crime Nno.170/2016
4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

PVS

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