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CRL MP No. 3410 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 3410 of 2023
in Crl.A.No.628 of 2022

Dhatchinamoorthy
S/o. Mahalingam

..Petitioner(s)

Vs.

Duraimurugan
S/o. Santhakumar

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C. seeking to restore the order of dismissal for default in Crl.A.No.628 of 2022 dated 07.09.2022 and restore the Crl.A.No.628 of 2022.

For Petitioner(s): Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates

For Respondent(s): Ms.T. Harshana
Legal Aid Counsel

ORDER

The petitioner, as appellant filed an appeal before this Court in Crl.A.No.628 of 2022. The petitioner filed a private complaint under Section 138 of Negotiable Instruments Act Act against the respondent in S.T.C.No. 1843 of 2017, against the judgment of acquittal. he preferred the above appeal. When the appeal was listed on 07.09.2022, inadvertently the petitioner /



M.NIRMAL KUMAR, J.

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appellant failed to notice the listing of the appeal, and this Court finding that the earlier order had not been complied with and no proof of affidavit of service filed, dismissed the same for non prosecution. Hence, this restoration petition.

2.The learned legal aid counsel appointed by this Court for the respondent submitted that the appeal can be heard on its own merits.

3.Since the appeal has been dismissed for non prosecution, the same has been set aside. Crl.A.No.628 of 2022 is restored and taken on file, and thereafter the contention of the appellant can be considered on its own merits.

4.This Petition stands ordered accordingly.

20-02-2026

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

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