



WEB COPY



Crl.M.P.No.5388 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2026

CORAM:

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

Crl.M.P.No.5388 of 2026
in
Crl.A.SR.No.63076 of 2023

C.Nallathambi

...Petitioner

Vs.

J.M.Ravikumar

...Respondent

Criminal miscellaneous petition filed seeking to restore Crl.O.P.No.11040 of 2024, which was dismissed for non-prosecution on 26.06.2024, on the file of this Court.

For Petitioner : Mr.S.Bhuvaneswaran

ORDER

This criminal miscellaneous petition has been filed by the petitioner seeking restoration of Crl.O.P.No.11040 of 2024, which was dismissed for non-prosecution by this Court on 26.06.2024.

2. The petition in Crl.O.P.No.11040 of 2024 in Crl.A.SR.No.63076 of 2023 was filed seeking to grant leave to the petitioner to file a criminal



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appeal against the judgment dated 18.08.2023 passed in C.C.No.9953 of 2017 by the learned Metropolitan Magistrate II, Egmore, Chennai.

3. On 24.06.2024, when the above leave petition came up for hearing, there was no representation for the petitioner. Hence, the matter was directed to be listed under the caption 'for dismissal' on 26.04.2024. Accordingly, the matter was posted under the caption 'for dismissal' on 26.04.2024. Notwithstanding the fact that the matter was listed for dismissal, the learned counsel for the petitioner sought further adjournment instead of arguing the matter. Hence, on that ground, this Court dismissed the petition in Crl.O.P.No.11040 of 2024 for default.

4. Aggrieved, the present petition has been filed seeking the relief stated in the opening paragraph.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. Today, when the matter was taken up for hearing, Mr.S.Bhuvaneswaran, the learned counsel for the petitioner submitted that the earlier counsel namely, Mr.S.Elangovan had given change of

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vakalat and that now he (Mr.S.Bhuvaneswaran) has entered appearance for the petitioner. He further expressed his remorse for the inconvenience caused to this Court on the previous hearing. He further submitted that now he has got instructions from his client to prosecute the case and hence, the order dated 26.06.2024 dismissing the case for default may be set aside and the leave petition restored to file.

7. Satisfied with the above submissions made by the learned counsel for the petitioner and also considering the fact that the petitioner is an octogenarian, this criminal miscellaneous petition stands ordered and the order dated 26.06.2024 dismissing the leave petition for default is set aside and the leave petition in Crl.O.P.No.11040 of 2024 and also the main appeal in Crl.A.SR.No.63076 of 2023 are restored to file.

8. Post the leave petition in Crl.O.P.No.11040 of 2024 in Crl.A.SR.No.63076 of 2023 for hearing on 28.04.2026.

21.04.2026

skt



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A.D.JAGADISH CHANDIRA, J.

skt

To:

The Metropolitan Magistrate II,
Egmore, Chennai.

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in

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21.04.2026