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CRL RC No. 677 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**CRL RC No. 677 of 2026
and Crl.MP.No.5148 of 2026**

Gopal Reddy

..Petitioner(s)

Vs

1.Srinivasa Reddy
2.State Rep by,
The Public Prosecutor

..Respondent(s)

Prayer: This Criminal Revision petition is filed under Section 397 & 401 of Cr.P.C/ 438 & 442 BNSS, to set aside the judgment passed by the Additional District and Sessions Judge, Hosur in Crl.A.No.85 of 2024 dated 19.06.2025, confirming the judgment of the Judicial Magistrate, Fast Track, Hosur in STC.No.90 of 2019 dated 22.05.2024.

For Petitioner(s):

Mr.S.Gopinath

For Respondent(s):

Mr.M.Mohamed Riyaz for R1

ORDER

This Criminal Revision Petition has been filed challenging the judgment passed by the Additional District and Sessions Judge, Hosur in Crl.A.No.85 of 2024 dated 19.06.2025, confirming the judgment of the learned Judicial Magistrate-Fast Track, Hosur in STC .No.90 of 2019 dated 22.05.2024.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.



3. On perusal of the order passed by the learned Additional District and Sessions Judge, Hosur, it was not on merit. The learned Additional District and Sessions Judge has passed the following order:

“Appellant present. Appellant side not ready for arguments for the past 5 hearings. Appeal is posted for arguments. Appeal is dismissed for default”.

4. From a perusal of the impugned order, it discloses that the learned Judge has summarily dismissed the appeal without going into the records. As per the judgment of the Hon’ble Supreme Court in **Bani Singh Vs. State of Uttar Pradesh** reported in (1996) 4 SCC 720 whenever an appeal is filed, it is the duty of the appellant Court to peruse the records and the judgment of the Trial Court, and thereafter, to pass a reasoned judgment.

5. It is also relevant to refer the judgment of the Hon’ble Supreme Court in **K.Muruganandam Vs. State** reported in (2021) 20 SCC 642, where the Hon’ble Supreme Court has heavily come down against the order passed in a Criminal Appeal only on the basis of a non prosecution. The Hon’ble Supreme Court has held that the Appellate Court is obliged to proceed with the hearing of the case only after appointing an *Amicus Curiae* and in any case, the appeal cannot be dismissed merely because of non-representation or default of the advocate for the accused. This position has already been settled in **Kabira Vs.**



State of Uttar Pradesh reported in *1981 Supp SCC 76* and *Mohd.Sukur Ali Vs.*

State of Assam reported in *(2011) 4 SCC 729*.

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6. However, in the present case, the appellate Court, merely noting the absence of the appellant and without examining the records available before it, has passed the impugned order, which is contrary to the law laid down by the Hon'ble Supreme Court. Hence, this Court finds that the said order is unsustainable and the judgment is to be set aside and the matter is to be remitted back for fresh disposal.

7. In the result, the appeal is allowed and the judgment of the Appellate Court is set aside and the matter is remitted back to the appellate court for fresh consideration in accordance with law. Consequently, connected Miscellaneous Petition is closed.

23-03-2026

DRL

To

1. The Additional District and Sessions Judge, Hosur

2. The Judicial Magistrate, Fast Track, Hosur



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C.KUMARAPPAN, J.

DRL

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