



Crl.R.C(MD)No.751 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **12.02.2026**

CORAM

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

CRL.R.C.(MD)No.751 of 2019

Raghu Chandra Kumar

... Petitioner

vs.

The Sate of Tamil Nadu,
Represented by,
The Inspector of Police,
All Women Police Station,
Palani,
Dindigul District,
Crime No.01 of 2013

... Respondent

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, 2023, to call for the records and set aside the judgment passed by Additional District and Sessions Court, Palani in C.A.No.17 of 2018, dated 14.02.2019, confirming the conviction judgment passed by Judicial Magistrate, Palani in C.C.No.166 of 2013, dated 19.02.2018.

For Petitioner : Mr.G.Karuppasamy Pandiyan

For Respondent : Mr.M.Karuppusamy
Government Advocate



CrL.R.C(MD)No.751 of 2019

ORDER

WEB COPY

Heard Mr.G.Karuppasamy Pandiyan, learned Counsel for Revision Petitioner and Mr.M.Karuppusamy, learned Government Advocate for Respondent.

2. This Criminal Revision Petition has been filed challenging the Judgment dated 14.02.2019 passed by Additional District and Sessions Court, Palani in C.A.No.17 of 2018, whereby the Additional District and Sessions Court had confirmed the order of conviction passed by Judicial Magistrate, Palani in C.C.No.166 of 2013, dated 19.02.2018.

3. The short ground of challenge is that the impugned judgment came to be passed after finding that Petitioner has not been represented by any Advocate.

4. Learned Counsel for Petitioner would submit that once the Appellate Court finds that the advocate representing the accused is not available, the only course open to it is to appoint an Amicus Curiae to



represent the accused, and it could not have decided the matter in the absence of representation.

5. Learned Counsel for Petitioner would further submit that the Lower Appellate Court decided the matter treating the accused as unrepresented, is violative of Article 21 of the Constitution. In this regard, he places reliance on the case of ***Subedar Vs State of Uttar Pradesh*** reported in **(2020) 17 SCC 765**, wherein it was held as under:

“7. One of the submissions urged on behalf of the appellant is that the appeal was disposed of in absence of any representation on behalf of the appellant.

8. It is well accepted that right of being represented through a counsel is part of due process clause and is referable to the right guaranteed under Article 21 of the Constitution of India.

9. In case the Advocate representing the cause of the accused, for one reason or the other was not available, it was open to the Court to appoint an Amicus Curiae to assist the Court but the cause in any case ought not to be allowed to go unrepresented.

10. In the circumstances, we have no other alternative but to set-aside the judgment passed by the High Court and to restore Criminal Appeal No.2798 of 1988 to the file of the High Court to be disposed of afresh.



Crl.R.C(MD)No.751 of 2019

law, preferably, within four (4) months from the date of receipt of a copy of this order. If for any reason, the petitioner is not represented by an Advocate, it is incumbent upon the Appellate Court to ensure that a Legal Aid Counsel is appointed to assist the Court.¹

7. In the result, this Criminal Revision Case is **disposed of** on the above terms.

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

12.02.2026

To:

- 1.The Additional District and Sessions Court, Palani.
- 2.The Judicial Magistrate, Palani
- 3.The Inspector of Police,
All Women Police Station,
Palani,
Dindigul District,
Crime No.01 of 2013
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

¹ Mangat Singh Vs. State of Punjab, (2005) 11 SCC 185
5/6



WEB COPY



Crl.R.C(MD)No.751 of 2019

MOHAMMED SHAFFIQ, J.

Nsr

Order made in
Crl.R.C(MD)No.751 of 2019

12.02.2026