

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2354 OF 2010
(Arising out of SLP(Crl.)No.4541 of 2009)

MUNIAMMAL & ANR. ... APPELLANT(S)

VERSUS

STATE OF T.NADU ... RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

1. This appeal emanates from the judgment and order dated 15.06.2007 passed by the Madurai Branch of Madras High Court at Madurai in Criminal Appeal (MD) No.338 of 2001.

2. The short question which arises in this appeal is whether the High Court was justified in dismissing the Criminal Appeal in absence of the appellants or their counsel?

Heard learned counsel for the parties.

3. Learned counsel appearing for the appellants submits that a Bench of Madras High Court was set up at Madurai and some appeals were transferred to Madurai Bench and counsel appearing for the appellants remained at Madras, who did not get the notice of hearing of this appeal and, therefore, he could not appear at the time of the hearing. It may be mentioned here that the Criminal Appeal of 2001 was taken up for hearing in the year 2007 and the same was dismissed without hearing the counsel of the appellants for the aforesaid reason.

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4. In the interest of justice, we deem it appropriate to remit the matter to the Madurai Bench of the Madras High Court. The matter shall be heard and decided de novo by the Madurai Bench of the Madras High Court.

5. We direct the appellants to appear through their counsel before the Madurai Bench of the Madras High Court on 24.01.2011 for direction, to avoid any delay. The Madurai Bench will take up the Criminal Appeal for hearing on that day or any other day convenient

to the Court.

This appeal is disposed of with these observations.

.....J.
(DALVEER BHANDARI)

.....J.
(H.L. GOKHALE)

NEW DELHI;
9TH DECEMBER, 2010

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ITEM NO.4

COURT NO.4

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4541/2009

(From the judgement and order dated 15/06/2007 in
338/2001 of The HIGH COURT OF JUDICATURE AT MADRAS)

CRLA No.

MUNIAMMAL & ANR.

Petitioner(s)

VERSUS

STATE OF T.NADU
(With office report)
(for final disposal)

Respondent(s)

Date: 09/12/2010 This Petition was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr.G.Sivabalamurugan, Adv.
Mr.Anis Mohd., Adv.
for Mr. L.K. Pandey,Adv.

For Respondent(s) Ms.Promila, Adv.
For Mr. S. Thananjayan,Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

Heard learned counsel for the parties.

The Appeal is disposed of, in terms of the signed
order.

(G.V.Ramana)
Court Master

(Neeru Bala Vij)
Court Master

(signed order is placed on the file)