



CRL RC(MD). No.879 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13/07/2026

CORAM

THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL RC(MD). No.879 of 2019

C.Perumal

... Petitioner

Vs

V. Chandreswari,

... Respondent

PRAYER :- To call for the records in Cr.MP. No.1618/2018 in Crl.A.No. Unnumber of 2018 on the file of the Principal District and Sessions Judge, Madurai, dated 08.10.2018 and set aside the same.

For Petitioner : Mr.S.Ravi,
For Respondent : Mr.V.Kannan,

ORDER

Challenging the impugned order dated 08.10.2018 passed in Cr.M.P. No. 1618 of 2018 in Crl.A. No. Unnumbered of 2018 on the file of the Principal District and Sessions Judge, Madurai, the present Criminal Revision Case has been filed.



CRL RC(MD). No.879 of 2019

2. The learned counsel for the petitioner submitted that the petitioner is the complainant in S.T.C. No. 299 of 2015 on the file of the Fast Track Court No. I (Judicial Magistrate Level), Madurai. The trial Court, by judgment dated 06.01.2017, was pleased to acquit the accused. Thereafter, the petitioner preferred an appeal before the learned Principal District and Sessions Judge, Madurai, with a delay of 62 days along with a petition to condone the delay in Cr.M.P. No. 1618 of 2018.

3. On 08.10.2018, when the matter came up for hearing, it was initially passed over. However, when the petition to condone the delay was subsequently taken up for hearing, the petitioner's counsel was unable to appear. Therefore, the learned Principal District and Sessions Judge passed the impugned order dismissing the petition to condone the delay for default, recording that the petitioner was called absent. Aggrieved by the said order, the present Criminal Revision Case has been filed.

4. The learned counsel for the petitioner contended that the learned Principal District and Sessions Judge ought to have considered the



CRL RC(MD). No.879 of 2019

petition for condonation of delay on merits and further submitted that without adjudicating the petition on merits, the learned Judge dismissed it for default. According to the learned counsel such dismissal without considering the merits of the case, is legally unsustainable. Therefore, he sought for indulgence of this Court to set aside the impugned order.

5. The learned counsel appearing for the respondent submitted that sufficient opportunity had been afforded to the petitioner, as the matter was initially passed over. However, despite such opportunity, the learned counsel for the petitioner failed to appear when the matter was taken up. He further submitted that the respondent, who had already been acquitted by the trial Court, ought not to be made to suffer on that account. Accordingly, the learned counsel prayed for the dismissal of the present Criminal Revision Case.

6. Heard both sides and carefully perused the materials available on record.

7. The total cheque amount involved in the case is Rs.10,00,000/- (Rupees Ten Lakhs only). The appeal has been preferred challenging the



CRL RC(MD). No.879 of 2019

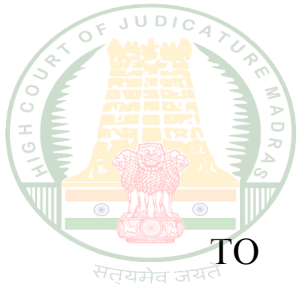
judgment of acquittal passed by the trial Court. The petitioner had also filed a proper petition for condonation of the delay of 62 days before the appellate Court, duly explaining the reasons for the delay.

8. Considering the fact that the delay involved is only 62 days, the petition for condonation of delay ought not to have been dismissed for default merely on account of the absence of the petitioner's counsel. Accordingly, this Court sets aside the order dated 08.10.2018 passed in Cr.M.P. No. 1618 of 2018 in Crl.A. No. Unnumbered of 2018 on the file of the Principal District and Sessions Judge, Madurai and remitted back the matter to the learned Principal District and Sessions Judge, Madurai, for fresh consideration of the petition for condonation of delay on its own merits and dispose of the same in accordance with law.

9. Accordingly, this Criminal Revision Case is allowed.

13.07.2026

TTA



CRL RC(MD). No.879 of 2019

TO

WEB COPY

The Principal District and Sessions Court,
Madurai.



WEB COPY



CRL RC(MD). No.879 of 2019

L. VICTORIA GOWRI,J

TTA

ORDER
IN
CRL RC(MD) No.879 of 2019

Date : 13/07/2026