

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-08-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 806 of 2015

Abdul Rahman

... Petitioner

Versus

S.Jeevanandham

... Respondent

Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. against the order dated 26.06.2015 passed by the learned District Sessions Judge No.II, Kancheepuram, in Crl.R.P.No.7 of 2014, reversing the order passed by the learned Judicial Magistrate No.I, Kancheepuram, in C.M.P.No.4022 of 2013, dated 03.04.2014.

For Petitioner : Mr.P.Rajkumar Pandian

ORDER

The respondent/complainant is alleged to have filed a petition in C.M.P.No.4022 of 2013 before the Judicial Magistrate No.I, Kancheepuram, under Section 142(b) of Negotiable Instruments Act, seeking to condone the delay of 98 days in filing the complaint against the petitioner under Section 200 Cr.P.C. The said petition was dismissed by order dated 03.04.2014. Against which, the complainant has preferred a revision in Crl.R.P.No.7 of 2014 before the District Sessions Judge No.II, Kancheepuram and the same was allowed by order dated 26.06.2015. Aggrieved against the same, this Criminal Revision Case is filed by the accused.

2. Mr.P.Rajkumar Pandian, learned counsel appearing for the petitioner/accused mainly contended that the reasons stated in the affidavit seeking to condone the delay are not proper and correct and hence, he seeks to set aside the impugned order dated 26.06.2015. He would further submit that the Sessions Court, while allowing the revision has made an observation to the effect, "...due to the inadequacy of legal literacy in Law of the legal practitioners who are practising in the mofussil bar", which is not correct and hence, he seeks to expunge that remark also.

3. Heard the learned counsel for the petitioner. This Criminal Revision Case is disposed of at the stage of admission itself.

4. At the outset, I have to state that the respondent/complainant has given adequate and proper reasons in the affidavit for the delay of 98 days in filing the complaint against the petitioner under Section 200 Cr.P.C. To prove that he was suffering from viral fever and peptic ulcer, the complainant has also produced a Medical Certificate and there is no dispute over that. Hence, this Court is not inclined to interfere with the order passed in the revision dated 26.06.2015. At this juncture, learned counsel appearing for the petitioner seeks to expunge the remarks in the impugned order dated 26.06.2015, especially stating "...The delay must have been either due to the petitioner himself or due to the inadequacy of legal literacy in Law of the legal practitioners who are practising in the mofussil bar...". Actually, it is not a reason, which is adduced for the delay in the affidavit of the complainant also. The legal practitioners in the mofussil bar are also well equipped in law, therefore, we cannot shut our eyes and say that the legal practitioners, who are practising in the mofussil bar, are lacking legal literacy in law. Hence, the particular sentence alone in the impugned order dated 26.06.2015 stands expunged. In all other respects, the impugned order dated 26.06.2015 passed by the Sessions Court stands confirmed. This Criminal Revision Case is disposed of accordingly.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

paa

Note: Registry is directed not to issue a copy of this order to the petitioner or learned counsel appearing for the petitioner.

To

1. The Judicial Magistrate No.I
Kancheepuram.
2. The District & Sessions Judge No.II,
Kancheepuram.

CrI.R.C. No. 806 of 2015

LRS (CO)
CA(27/08/2015)