

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8.7.2015

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Crl.R.C.No.1266 of 2010

Santhappan

... Petitioner

versus

V.P.Murugesan

... Respondent

Revision filed against the order in Crl.M.P.No.5306 of 2010 in C.C.No.277 of 2010 on the file of Judicial Magistrate, Dharapuram dated 18.10.2010.

For petitioner : Mr.J.R.Prabhakaran

For respondent : Mr.C.S.Saravanan

O R D E R

The petitioner has come up with this criminal revision against the order passed by the Judicial Magistrate, Dharapuram, in allowing the petition filed by the respondent to condone the delay of 75 days in filing the complaint.

2. According to the learned counsel for the petitioner, the delay has not been properly explained. The respondent has not produced any medical certificate to prove his alleged illness. Moreover, the period of delay is also enormous. The lower Court has committed an error in allowing the petition. Hence, the learned counsel prays that the order of the lower Court maybe set aside.

3. Per contra, the learned counsel for the respondent would contend that the respondent has given specific reasons for the delay in filing the complaint. Moreover, 75 days is not too longer a period.

4. Heard both sides.

5. On going through the records of the Court below, it is seen that there was a delay of 75 days in filing the complaint. The respondent has filed a petition to condone the delay. The lower Court has observed in its order that even though medical certificate is not produced, an opportunity maybe granted to the petitioner to prove his case. I do not find any reason to interfere with the reasoned order, especially when the delay is only 75 days.

6. In the result, the criminal revision is dismissed. Consequently, M.P.No.1/2010 is also dismissed.

7. The learned counsel for the respondent has stated that show the bona fides, the respondent is prepared to pay cost of Rs.2000/- (Rupees Two Thousand only), which will be paid to the learned counsel for the petitioner, within two weeks.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

tar

To

1.The Judicial Magistrate,
Dharapuram

2.-do- Through The Chief Judicial Magistrate,
Erode.

Copy To

The Section Officer,
Criminal Section,
High Court, Madras.

Cr1.R.C.No.1266 of 2010

AK(CO)
CA(22/07/2015)

सत्यमेव जयते

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