



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.01.2015
CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WEB COPY

CRL.RC.(MD)No.526 of 2014

P.Sankara Raman : Petitioner

Vs.

State Through,
The Inspector of Police,
CCIW-CID, Ramanathapuram,
Crime No.2 of 2000. : Respondent

PRAYER: Petition is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 27.10.2014 in Crl.M.P.No.1042 of 2013 in unfiled C.A.No.... of 2013 passed by the Principal Sessions Judge, Ramanathapuram.

For Petitioner : Mr.R.Saravanan

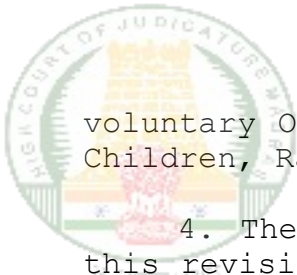
For Respondent : Mrs.S.Prabha
Government Advocate [Criminal Side]

O R D E R

By consent, the Criminal Revision Case is taken up for final disposal at the stage of admission itself.

2. The petitioner herein is the sole accused in C.C.No.161 of 2001, on the file of the learned Judicial Magistrate No.I, Ramanathapuram and he was convicted for the commission of offence under Section 408 of the Indian Penal Code and imposed with a fine of Rs.500/- in default to undergo simple imprisonment for one week. Challenging the same, the petitioner has filed Cr.M.P.No.1042 of 2013 with a delay of 1270 days. In the affidavit filed in support of the petition to condone the delay, he would aver that he was suffering from Jaundice and could not contact his counsel and further on account of family circumstances and financial constraints, he could not file an appeal on time and therefore, prayed for condoning the delay. The Lower Appellate Court, having found the reasons for condonation of delay adduced by the petitioner, are not proper, has dismissed the said petition, vide order dated 27.10.2014. Challenging the same, the petitioner/accused has filed the present Criminal Revision Case.

3. The learned counsel appearing for the petitioner would submit that the petitioner was suffering from Jaundice and on account of family circumstances and financial difficulties, he was unable to prefer an appeal on time and on instructions, he would submit that for allowing this revision and for condonation of delay in preferring the appeal, the petitioner may be put on terms, as ordered by this Court in Crl.RC[MD]. No.524 of 2014, dated 27.01.2015 and he is willing to pay some costs to



voluntary Organisation, namely, Anbagam Institution for Mentally Disabled Children, Race Course Road, K.Pudur, Madurai.

4. The learned Government Advocate [Criminal Side] strongly opposes this revision, by submitting that the petitioner has not given the period for which, he was suffering from Jaundice and therefore, the order of the Lower Appellate Court in dismissing the delay condonation petition is perfectly in order, which does not call for any interference by this Court.

5. This Court has considered the rival submissions made by the learned counsel appearing for the parties and perused the typed set of documents.

6. The petitioner was the Secretary of a Co-operative Society and on account of conviction, he has been terminated from service and therefore, he has filed the above Crl.M.P.No.1042 of 2013, for condonation of delay in preferring appeal, which came to be dismissed. Since the future career of the petitioner involves, the delay of 1270 days is to be condoned and the petitioner should be put on terms so as to enable him to contest the appeal, on merits.

7. In the result, the Revision is allowed and the impugned order dated 27.10.2014 is set aside subject to the condition that the petitioner shall pay a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) to Anbagam Institution for Mentally Disabled Children, Race Course Road, K.Pudur, Madurai, on or before 19.02.2015.

Registry is directed to post the matter on 20.02.2015, under the caption "For Reporting Compliance".

Sd/-

Assistant Registrar(T & P)

\\True copy\\

Sub Assistant Registrar

To

1.The Principal Sessions Judge, Ramanathapuram.

2.The Inspector of Police, CCIW-CID, Ramanathapuram.

3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC TO M/S.R.SARAVANAN, ADVOCATE SR.NO.4012

ORDER MADE IN
CRL.RC.(MD)No.526 of 2014
DATED - 28.01.2015

nb

NA/02/02/2015/P2/5C