



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.01.2015
CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WEB COPY

Crl.R.C. (MD) NO.529 of 2014

Sankara Raman

.. Revision Petitioner

Vs.

State Through
The Inspector of Police,
District Crime Branch
Ramanathapuram .. Respondent

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to set aside the order dated 27.10.2014 in Crl.M.P.No.582/2013 in unfiled C.A.No... of 2013 passed by the Principal Sessions Judge, Ramanathapuram.

For Petitioner :: Mr.R.Saravanan
For Respondent :: Mrs.S.Prabha
Govt. Advocate (Crl. side)

ORDER

By consent, the revision itself is taken up for final disposal.

2. The petitioner is the sole accused in C.C.No.327 of 2006 on the file of the Court of Judicial Magistrate, No.II in-charge of Court of Judicial Magistrate, No.I, Ramanathapuram, who has suffered conviction and sentence under Sections 406 and 420 IPC. The Trial Court vide judgment dated 15.09.2010 has imposed a sentence of 20 days Rigorous Imprisonment for the commission of offence under Section 406 IPC, fine of Rs.1500/- with default sentence of one month simple imprisonment and for the commission of offence under Section 420 IPC, imposes the same sentence and further directed the sentence shall run concurrently.

3. The petitioner aggrieved by the said conviction and sentence filed an appeal with the delay of 852 days. In the affidavit filed in support of this petition, it is averred that he was suffering due to jaundice and on account of family circumstances and financial constraints, he was not able to prefer an appeal on time and therefore, prayed for condonation of delay. The appellate Court, namely, the Principal Sessions Court at Ramanathapuram, having found that the petitioner herein/appellant has failed to offer any plausible explanation as to the huge delay, has dismissed the petition vide order dated 27.10.2014 and aggrieved by the same, the petitioner has filed this revision petition.

4. The learned counsel appearing for the revision petitioner would submit that the petitioner is constrained to challenge the conviction and sentence before the lower appellate Court for the reason that on account of the said conviction and sentence, he is out of service and in the



event of the appeal being allowed, there is every likelihood that he may be reinstated in service. On merits of the case is concerned, it is submitted by the learned counsel appearing for the petitioner that admittedly, he is not in job and on account of the fact that he is suffering due to Jaundice, financial constraints and other reasons, he was unable to prefer the appeal on time and would further add that he is also ready and prepare to deposit some costs for condonation of delay.

5. The Court heard the submissions of the learned Government Advocate (Crl. Side) also.

6. No doubt, the petitioner has not given the period for which, he was suffering due to Jaundice. The fact remains that on account of the conviction and sentence passed by the trial Court, he has been terminated from service and as on date, he is jobless and therefore, the reasons assigned by him that on account of financial constraints, he is unable to approach the Court on time appear to be tenable. However, this Court is of the view that for allowing this revision and for condonation of delay in preferring the appeal, the petitioner should be put on terms.

7. The learned counsel for the petitioner, on instructions, is willing to pay to some costs to voluntary Organisation, namely, Anbagam, Institution for Mentally Disabled Children, Race Course Road, K.Pudur, Madurai.

8. In the result, the Revision is allowed and the order dated 27.10.2014 is set aside subject to the condition that the petitioner shall pay a sum of Rs.2,000/- (Rupees two thousand only) to Anbagam, Institution for Mentally Disabled Children, Race Course Road, K.Pudur, Madurai, on or before 19.02.2015.

Call for 'reporting compliance' on 20.02.2015.

Sd/-

Assistant Registrar(Per.Admn)

\\True copy\\

Sub Assistant Registrar

To

1.The Principal Sessions Judge, Ramanathapuram

2.The Inspector of Police,

District Crime Branch, Ramanathapuram

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

4.The Officer-In-charge, Anbagam, Institution for Mentally Disabled Children, Race Course Road, K.Pudur, Madurai.

+1 CC TO M/S.R.SARAVANAN, ADVOCATE SR.NO.3413

Crl.R.C.(MD)NO.529 of 2014
27.01.2015

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