

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: **12.04.2016**

Coram:

THE HON'BLE Mr.JUSTICE M.VENUGOPAL

Crl.M.P.No.2794 of 2016 in
Crl.R.C.No.SR53353 of 2015

1. A.Rajiv Gandhi
2. A.Palaniammal
3. A.Anjalai

..Petitioners

Vs.

The State,
Rep. By its Inspector of Police,
Moongilthuraipattu Police Station,
(Crime No.412 of 2012)

...Respondent

Prayer: Petition filed under Section 5 of the Limitation Act to condone the delay of 613 days in filing the Criminal Revision Petition.

For Petitioners : Mr.B.Harikrishnan

For Respondent : Mr.V.Arul
Government Advocate (Crl.Side)

ORDER

The Petitioners have filed the present Miscellaneous Petition praying for passing of an Order by this Court in condoning of delay of 613 days in filing the Criminal Revision Petition in Sr.No.53353 of 2015.

2. The reason ascribed on behalf of the Petitioners in the subject matter in issue relating to the delay of 613 days is that the natural guardian of the Petitioners / Minors in previous incident sustained injury on his eyes because of the attack made by the defacto complainant and still the natural guardian of the Petitioners was not in a position to give instructions to his Counsel to file the Revision in time and the reason assigned for not filing the Revision Petition in time is because of the fact that the natural guardian underwent treatment for the injuries sustained on his eyes etc.,

3. On behalf of the Respondent / Complainant no serious objection has been raised for allowing the Petition preferred by the Petitioners. Also that no counter is filed for this Petition.

4. At this stage, this Court has perused the contents of affidavit filed by the natural guardian of the Petitioners 1 to 3 and is of the considered view that the natural guardian of the Petitioners, namely, Annamalai is an illiterate and further he had underwent treatment for his eyes and later, he lost his eyesight. As such, by taking lenient and

liberal view and not adopting an hypertechnical or pedantic approach to prevent aberration of justice and to promote substantial cause of justice, allows the Petition.

In the result, the Miscellaneous Petition No.2794 of 2016 in Crl.R.C.Sr.No.53353 of 2015 is allowed.

12.04.2016

Index: Yes/No
Internet: Yes/No

ssd

M.VENUGOPAL, J.

ssd

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