

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: **12.04.2016**

Coram:

THE HON'BLE Mr.JUSTICE M.VENUGOPAL

Crl.M.P.No.3610 of 2016 in
Crl.R.C.No.SR13774 of 2016

Sankar

..Petitioner

Vs.

State rep. By its
Inspector of Police,
CBCID Police Station,
Puducherry
(Cr.No.26/2009)

...Respondent

Prayer: Petition filed under Section 5 of the Limitation Act to condone the delay of 232 days in filing the Criminal Revision Petition.

For Petitioner : Mr.D.Ravichander

For Respondent : Mr.J.Kumanan
Government Advocate (Pondicherry)

ORDER

Mr.J.Kumanan, Learned Government Advocate (Pondicherry) takes notice on behalf of the Respondent/Complainant. It transpires that the Petitioner has preferred the present Crl.M.P.No.3610 of 2016 in

Crl.R.C.No.SR13774 of 2016 seeking condonation of delay of 232 days in filing the Criminal Revision Case in SR13774 of 2016 on the file of this Court.

2. According to the Petitioner, he was suddenly effected by “chickengunia” and could not move out for nearly four months and also Doctor advised him not to travel. That apart, he had severe pains in joints and as such was handicapped and depending his family for day today affairs. Further he took rest for three months as per Doctor's advice and later filed the present Revision Petition with a delay of 232 days and as such, the delay that has occasioned in the subject matter in issue is neither wilful nor wanton, but due to the aforesaid reason.

3. No counter is filed on behalf of the Respondent. Also no serious objection is raised on behalf of the Respondent for this Court to allow this Petition, namely, M.P.No.3610 of 2016.

4. This Court on being subjectively satisfied as to the reasons ascribed by the Petitioner / 2nd Accused in M.P.No.3610 of 2016 at Paragraph No.4 interalia to the effect that he was suddenly effected by

“chickengunia” and that he took some rest for three months as per the advice of the Doctor etc., as such, by taking lenient and liberal view and also to secure the ends of justice, allows the Petition for condonation of delay.

In the result, the Miscellaneous Petition No.3610 of 2016 in Crl.R.C.Sr.No.13774 of 2016 is allowed for the reasons assigned in this Petition.

12.04.2016

Index: Yes/No
Internet: Yes/No

ssd

M.VENUGOPAL, J.

ssd

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