

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: **21.04.2016**

Coram:

THE HON'BLE Mr.JUSTICE M.VENUGOPAL

Crl.M.P.No.4617 of 2016
in
Crl.R.C.No.SR.59718 of 2014

1.Prathap

2.Sivan Pandi

..Petitioners

Vs.

State rep. By
The Inspector of Police,
Muthupettai Police Station.
(Crime No.1095 of 2011)

...Respondent

Prayer: Petition filed under Order IV, Rule 9(4) of AS Rules, to condone the delay of 456 days in representing the Criminal Revision Petition against the judgment in C.A.No.9 of 2013 dated 24.09.2014 passed by the Learned Sessions Judge, Tiruvarur, confirming the judgment and sentence in C.C.No.102 of 2012 dated 18.02.2013 passed by the Learned Judicial Magistrate, Thiruthuraipoondi, Tiruvarur District.

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

ORDER

Heard the Learned Counsel for the Petitioners and the Learned Government Advocate (Crl.Side) for the Respondent.

2.It comes to be known that the Learned counsel for the Petitioners/Revision Petitioners had filed an affidavit in Crl.M.P.No.4617 of 2016 in Crl.RC.No.SR.59718 of 2014 to the effect that his clerk had quit the job and the post was vacant for months together and the files dealt with by him could not be easily found out. That apart, the relevant papers of the Revision Petition were misplaced somewhere in the counsel's office and could not be easily traced.

3.It is to be noted that the relevant papers of instant Revision Petition ought to have represented on or before 15.07.2015 but however, the same was not done and in this process, there had occasioned a delay of 456 days in representing the Revision Petition before this Court. The said delay is neither wilful nor wanton but due to the aforesaid reasons.

4.This Court, on being subjectively satisfied as to the reasons ascribed in the affidavit filed in Crl.M.P.No.4617 of 2016 in representing the Revision Petition, by taking a lenient and liberal approach, in the interest of justice, allows the Criminal Miscellaneous Petition subject to the condition that the Petitioners shall pay a sum of Rs.500/- as costs to the Tamil Nadu Mediation and Conciliation Centre (situated at Madras High Court) on or before 02.06.2016, failing which, it is made clear that the Crl.M.P.No.4617 of 2016 shall stand dismissed automatically without any further reference to this Court.

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Index: Yes
Internet: Yes

DP

M.VENUGOPAL, J.

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