

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.561 of 2016

P.N.Manoharan

.. Petitioner

Vs.

The State rep by  
the Inspector of Police  
V5 Thirumangalam Police Station  
Chennai-101  
Cr.No.2512 of 1997

2.P.N.Nagarajan

3.A.Anbarasan

4.S.Prabhu Chandrakumar

... Respondents

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. against the order dated 07.01.2016 made in Crl.MP.No.7256 of 2015 in Crl.RC.SR.No.28 of 2015 in CC.No.2082 of 2004 on the file of the Principal Sessions Judge, Chennai.

For Petitioner : M/s.R.Muniapparaj

For Respondents : Mr.M.Mohamed Riyaz, GA (Crl.side) for R1.

Mr.V.Kannan for R2.

Mr.R.Rajesh Kumar for R3 and R4.

ORDER

The criminal revision petition is directed against the order passed by the learned Principal Sessions Judge, Chennai in Crl.MP.No.7256 of 2015 in Crl.RC.SR.No.28 of 2015 in CC.No.2082 of 2004 dated 07.01.2016.

2.Heard both sides.

3.The learned counsel for the petitioner contended that the criminal revision is filed along with a petition to condone the delay of 670days in filing the revision against the order passed by the learned IV Additional City Civil Court, Chennai in

C.A.Nos.84 and 88 of 2013 for enhancement of sentence, against the order made in CC.No.2082 of 2004 dated 22.03.2013. Since, there is a delay of 670 days in filing the revision petition, the petitioner has to explain sufficient reasons for delay in filing the revision petition.

4.In the affidavit filed by the petitioner, it is stated that he was out of India almost for 180 days from May 2013 to November 2013 and 90 days from June 2014 to September 2014. Even according to the petitioner, he received the copy of the judgment only on 01.04.2013 and filed an application under Section 452 CR.PC and the same was returned on 17.11.2014. Subsequently, another application under Section 301(2) Cr.PC was filed on 17.02.2015 and the present petition has been filed only on 29.04.2015. Therefore, the petitioner has not approached the Court immediately to file the revision petition and the reason stated in the affidavit for the delay in filing the petition for nearly two years is not convincing and satisfactory.

5.In view of the above facts and circumstances, the learned Principal Sessions Judge, Chennai, upon perusing the documents and after analysing the materials placed before the Court, dismissed the petition in CrI.MP.No.7256 of 2015 on 07.01.2015. This court finds no illegality or infirmity in the order passed by the trial court and the same does not warrant any interference by this court.

6.In the result, the criminal revision petition stands dismissed.

tsh

Sd/-  
Assistant Registrar

//True Copy//

सत्यमेव जयते  
Sub Assistant Registrar

To

1. The X Metropolitan Magistrate, Egmore, Madras.
2. The Principal Sessions Judge, Chennai.
3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.R.Muniyapparaj, Advocate Sr 34244  
+ 1 cc to Mr.R.Rajeshkumar, Advocvate Sr 33888

KR/12/7/16

CrI.R.C.No.561 of 2016