



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Fourth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU
and

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL MP(MD) No.10756 of 2016

IN

CRL A(MD) No.85 of 2015

B.CHITRA,

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION, THANJAVUR DISTRICT
CR. NO. 380 OF 2010

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to condone the delay of 153 days in filing the restoration application in Crl. A(MD) No. 85 of 2015 on its file, which was dismissed for non prosecution by this Honourable Court on 20.04.2016 and thus render justice.

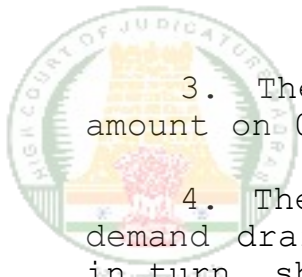
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.KARUNANITHI, Advocate for the petitioner and of Mr.R.Ramachandran, Additional Public Prosecutor for the Respondent, the court made the following order:-

ORDER

[Order of the Court was made by **S.NAGAMUTHU, J**].

This petition has been filed seeking to condone the delay of 153 days in filing the petition to restore the Criminal Appeal, which was dismissed for default on 20.04.2016.

2. Having regard to the averments made in the affidavit and also the submission made by the learned counsel for the petitioner, we are inclined to condone the delay. Accordingly, this petition is allowed and the delay of 153 days in filing the restoration petition is condoned on condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only), as cost. The cost amount shall be paid by way of demand draft drawn in the name of the Headmaster, Government Higher Secondary School, Vandaiyar Iruppu, Thanjavur District. The Headmaster of the said School is directed to spend the said amount for renovating the toilet facilities available in the School for the students.



3. The learned counsel would submit that he would pay the amount on 07.11.2016.

4. The learned counsel for the petitioner shall present the demand draft to the Registrar (Administration) of this Bench, who, in turn, shall forward the same to the Headmaster, Government Higher Secondary School, Vandaiyar Iruppu, Thanjavur District forthwith.

5. The Registry is, therefore, directed to list the restoration application on 09.11.2016.

sd/-
04/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, THANJAVUR
- 2 -do-thro THE JUDICIAL MAGISTRATE, KUMBAKONAM
- 3 THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION, THANJAVUR DISTRICT
- 4 THE SUPERINTENDENT
CENTRAL PRISON, TIRUCHIRAPPALLI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy to: The Headmaster, Government Higher Secondary School,
Vandaiyar Iruppu, Thanjavur District.

Copy to: The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

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ORDER
IN
CRL MP (MD) No.10756 of 2016
IN
CRL A (MD) No.85 of 2015
Date : 04/11/2016