



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

Thursday, the Sixteenth day of June Two Thousand Sixteen
PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.45 of 2016

IN

CRL RC(MD) No.SR33299 of 2015

WEB COPY

P.MEHALINGAM

... PETITIONER/PETITIONER

Vs

P.ANITHA

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to excuse and condone the delay of 59 days in filing the Crl.R.C. No. of 2016 against the order passed in Crl.M.P.No.3429 of 2014 in Crl.R.P.No.5 of 2014 dated 31/03/2015 by allowing this petition.

CRL RC(MD) No.SR33299 of 2015 against the order passed by the Principal Sessions Judge in Cr.M.P. No.3429 of 2014 dated 31/03/2015, against the common orders of in Crl.M.P.No.3788 of 2013 and Cr.M.P.No.1722 of 2014 dated 15/04/2014 on the file of the Judicial Magistrate Court, Periyakulam to discharge the respondent from case.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of P.MEHALINGAM, Party-in-Person (Petitioner) the Court made the following order:-

Mehalingam, party-in-person, who belongs to Thenkarai Village in Periyakulam seeks condonation of delay of 59 days, caused in preferring revision as against the order passed by the learned Principal Sessions Judge, Theni in Crl.M.P. No.3429 of 2014 in Crl.R.P.No.5 of 2014.

2.The party in person seeks an opportunity. And he requests this Court to condone the said delay.

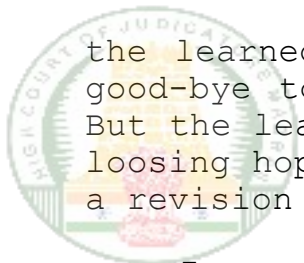
3.The respondent filed counter.

4.The learned counsel for the respondent would submit that now the petitioner's whole exercise is needless, futile and it is taking a toll of public time.

5.I have anxiously considered their submissions and perused the materials on record.

<https://hcservices.ecourts.gov.in/hcservices/>

6.Megalingam filed a criminal case against Anitha then R.D.O., Periyakulam with regard to issuance of some certificate with respect to one Ainal @ Aniz Fathima as he thought that some irregularity has been committed. It was taken cognizance in C.C.No.52 of 2013 by



the learned Judicial Magistrate, Periyakulam. Anitha wanted to bid good-bye to the case. She sought for her discharge from the case. But the learned Magistrate dismissed her discharge petition. Without loosing hope she moved the Principal Sessions Judge, Theni by way of a revision petition. However, by the time 217 days has elapsed.

7. In the circumstances, in the said Court, Anitha filed Cr.M.P.No.3429 of 2014 to condone the said delay. It was considered and allowed by the learned Principal District Judge. She filed revision petition No.5 of 2015 wherein canvassed the correctness of dismissal of her discharge petition.

8. Mehalingam followed her. He wished to challenge the order of the learned Principal Sessions, Theni passed in CrI.M.P.No.3429 of 2014. However, by the time 59 days of delay has passed. Now in the present petition, he wants condonation of this delay.

9. In delay condonation matters Courts almost takes a liberal attitude. They used to be very kind in these matters. But some time they have to be unkind. If the matter is in the nature of wasting time of Court and it will not serve any purpose even at its infancy such petitions can be dismissed.

10. Now, Mehalingam wants to challenge the condonation delay accorded to Anitha in CrI.M.P.No.3429 of 2014, it is intended to file a revision. She has filed a revision. Subsequently, Anitha had not pressed the criminal revision. It was dismissed accordingly. Further, the very Calender Case itself had gone to cold storage because the entire proceedings therein were stalled by a stay order of this Court passed in the quash petition in CrI.O.P.(MD) No.6968 of 2016 filed by Anitha.

11. Courts cannot show their indulgence for futile exercises. In the circumstances, when the revision petition filed by Anitha itself had gone, no useful purpose will be served in condoning the delay in filing the revision by the petitioner.

12. In this view of the matter, there is no point in condoning the delay. Consequently, the delay condonation petition is dismissed.

sd/-

16/06/2016

/ TRUE COPY /

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

TO

1. THE PRINCIPAL SESSIONS JUDGE, THENI
2. THE JUDICIAL MAGISTRATE, PERIYAKULAM
3. THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT
RL/4C/2P/SKS/RR/SARII/21/6/2016

ORDER

IN

CRL MP (MD) No.45 of 2016

IN

CRL RC (MD) No.SR33299 of 2015

Date : 16/06/2016