

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Cr1.R.C.No.109 of 2017

K.K.Ravi

S/o.Late Kandasamy

.. Petitioner

Vs.

1. D.Suresh

S/o.Late Duraisamy

2. The State of Tamil Nadu,
represented by

The Inspector of Police,
B-6, Police Station (Law & Order),
At present E2 Police Station,
Peelamedu, Coimbatore.
Crime No.257 of 2007

.. Respondents

Criminal Revision Case filed under Section 397 and 401
Cr.P.C. against the order of learned Principal District Judge,
Coimbatore, passed in C.M.P.No.1442 of 2016 on 15.12.2016.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents : Mr.M.Mohammed Riyaz
Government Advocate [Cr1.side] [R2]

O R D E R

This revision arises against the order of learned Principal District Judge, Coimbatore, passed in C.M.P.No.1442 of 2016 on 15.12.2016, dismissing a petition u/s.5 of the Limitation Act seeking condonation of delay of 608 days in preferring an appeal.

2. Petitioner preferred a complaint against first respondent alleging offence u/s.380 IPC and the case was tried in C.C.No.347 of 2008 on the file of learned Judicial Magistrate VI, Coimbatore. On appreciation of materials before it, the trial Court, under judgment dated 10.09.2014, acquitted the second respondent. There against, petitioner preferred an appeal. He has filed C.M.P.No.1442 of 2016 u/s.5 of the Limitation Act seeking condonation of delay of 608 days in

preferring the same. Court below, under the impugned order, dismissed such petition. Hence, this revision.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side] for second respondent.

4. In dismissing the petition, Court below has found that in the affidavit, the number of days of delay has been mentioned as 572 days whereas in the prayer, it has been mentioned as 608 days. Even assuming the contention of petitioner, that he came to know about the judgment of the trial Court only on 20.04.2015 and obtained a copy thereof on 30.12.2015, is true, he could have very well filed an appeal in January 2016. The case was of the year 2008 and the judgment was pronounced on 10.09.2014. The judgment of the trial Court revealed that after partial chief-examination of PW-1, he has not appeared before Court for further examination and delayed the conduct of proceedings. Further, in the present petition, petitioner has levelled allegations against police personnel without any proof. Though leniency would be shown in deciding petition u/s.5 of the Limitation Act, Court below considering the previous conduct of petitioner and given the above reasoning, dismissed the petition. This Court finds no error in the order under challenge.

The Criminal Revision Case shall stand dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

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C.T. SELVAM, J

gm

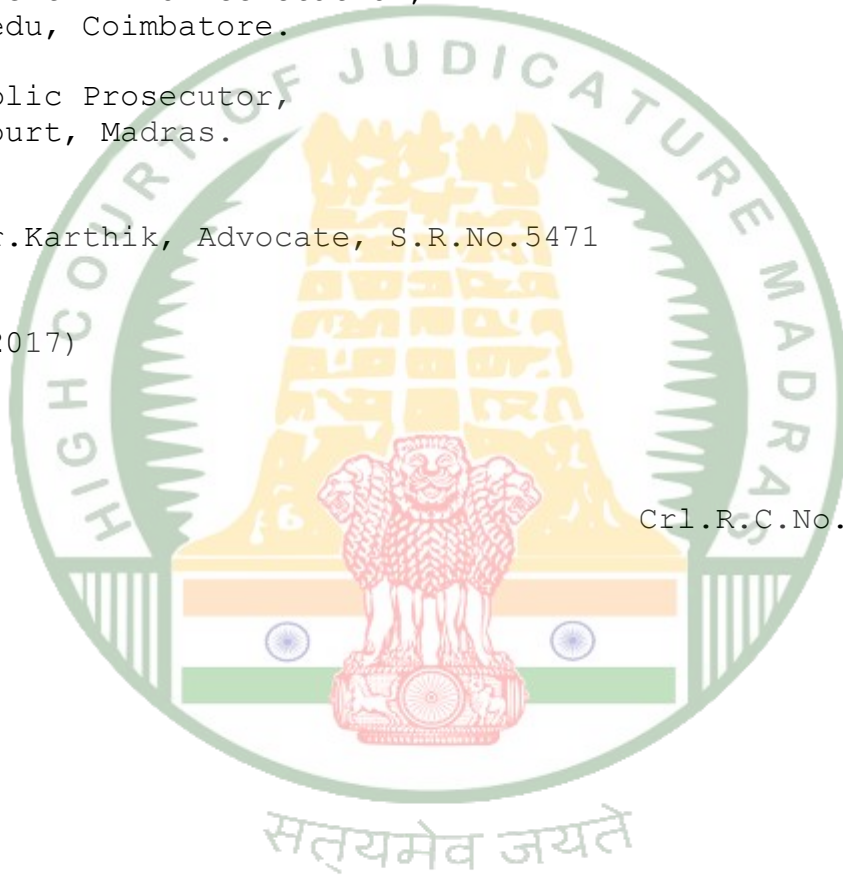
To

1. The Principal District Judge,
Coimbatore.
2. The Judicial Magistrate No.6,
Coimbatore.
3. The Inspector of Police,
B-6, Police Station (Law & Order),
At present E2 Police Station,
Peelamedu, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Karthik, Advocate, S.R.No.5471

AD(CO)
RS(24/02/2017)

Cr1.R.C.No.109 of 2017



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