



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl MP(MD)No.7377 of 2017

in

Crl RC(MD)SR No.23538 of 2017

1.Manimaran

2.Arivalagan

... Petitioners/Accused 1 & 2

Vs.

The State through

The Inspector of Police,

District Crime Branch,

Theni,

Crime No.26 of 2012.

... Respondent/Complainant

Petition filed under Section 5 of the Limitation Act to condone the delay of 390 days in filing criminal revision case against the order made in Crl.M.P.No.1262 of 2016 in C.C.No.522 of 2013 on the file of the Judicial Magistrate, Theni, Theni District dated 11.03.2016.

Prayer in CRL RC(MD)SR.No.23538 of 2017

This Criminal Revision filed under 397 r/w 401 of Cr.P.C praying to call for the record and revise the order of the Judicial Magistrate, Theni, Crl.M.P.No.1262 of 2016 in C.C.No.522 of 2013 dated 11.03.2016 by discharging the petitioners from the case.

For Petitioners : Mr.B.Jeyakumar

For Respondent : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor.

ORDER

Criminal Revision Case has been filed against the dismissal order passed in the petitioners' application filed under Section 239 Cr.P.C., seeking to discharge them from the proceedings in C.C.No.522 of 2013. Since the revision case has been filed with a delay of 390 days, the petitioners have filed the present application to condone the delay.

<https://hcservices.ecourts.gov.in/Hcservices/> Mr.B.Jeyakumar, learned counsel for the petitioners and Mr.C.Mayilvahana Rajendran, learned Additional Public for the respondent.



3.I have carefully gone through the affidavit filed in support of the delay petition, wherein it is stated that even though the order was passed on 11.03.2016, the petitioners could not meet their counsel for the purpose of filing copy application and only in the month of September, 2016, they met their counsel and filed copy application. Further it is stated in the affidavit that due to financial inconvenience and also in view of demonetization and domestic function, they could not get the copy from the lower Court counsel in time.

4.The reason assigned by the petitioners is not convincing and the delay is not explained in a satisfactory manner. Hence this petition is dismissed. Consequently, Crl.R.C (MD) SR.No.23538 of 2017 is rejected.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Theni
2. The Inspector of Police,
District Crime Branch,
Theni.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Mj

AE/KP/SAR3/13.09.2017/2P/4C

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