



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: **11.09.2017**

Coram

WEB COPY

The HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

Crl.M.P(MD)No.9770 of 2016

and Crl.R.C.(MD)SR35508 of 2016

Karnan

.. Petitioner / Petitioner

Vs.

Thanga Latha

.. Respondent/Respondent

Prayer in Crl.M.P(MD)No.9770 of 2016:- Petition has been filed under Section 5 of Limitation Act, to condone the delay of 1117 days in preferring the Criminal Revision against the order passed in M.C.No.32 of 2012 on the file of the learned Chief Judicial Magistrate, Kanyakumari District at Nagercoil dated 12.06.2013.

Prayer in Crl.R.C.(MD)SR35508 of 2016:- Criminal Revision Case sought to be filed under Section 397 (1) r/w 401 of Criminal Procedure Code, to call for the records in M.C.No.32 of 2012 on the file of the learned Chief Judicial Magistrate, Kanyakumari District at Nagercoil and set aside the order dated 12.06.2013.

For Petitioner : Mr.A.Thiruvadikumar

For respondent : No Appearance

ORDER

There is a delay of 1117 days in preferring the Criminal Revision Petition.

2.The Criminal Revision Case sought to be filed challenging the common order passed in C.M.P.No.1873 of 2015 and in C.M.P.No.57 of 2016, directing the petitioner to deposit a sum of Rs.55,000/- towards arrears of maintenance.

3.Since the Revision Petition has been filed with the delay of 1117 days, the petitioner has come up with the present application to condone the delay.

4. Heard the learned counsel appearing for the petitioner and



perused the materials available on record and also perused the affidavit filed in support of the petition.

5. The reasons stated for the delay is earlier in execution of the maintenance order. The petitioner was detained in prison from 10.08.2014 to 09.07.2015 and thereafter, he met with an accident and he could not file a revision in time.

6. A perusal of the affidavit would show that even though he was detained in jail and came out on 09.07.2015, he filed the revision only on 03.10.2016 and there is no material to prove the accident.

7. Considering the fact that this is the application filed under Section 128 of Criminal Procedure Code, seeking payment of arrears of maintenance and in the absence of the petitioner challenging the main order granting maintenance, he has no defence in the present application.

8. In the above circumstances, there is no reason to condone the delay of 1117 days in preferring the revision. Accordingly, the condone delay petition is dismissed. Consequently, the Criminal Revision Petition is also dismissed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

The Chief Judicial Magistrate,
Kanyakumari District
Nagercoil.

+1cc to Mr.A.Thiruvadi Kumar, Advocate in SR.No.78071

ta/akv

AE/MR KKR/SAR2/25.09.2017/2P/3C

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and Crl.R.C. (MD) SR35508 of 2016