



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2017

CORAM :

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C(MD) No.101 of 2016

M.Louis Mary

... Petitioner/Petitioner

Vs.

1.Jebagnanam @ Jose

2.State of Tamil Nadu,

rep.by the Public Prosecutor,
Nagercoil,

through the Sub Inspector of Police,
Mondaicadu Police Station,
Crime No.82 of 2007.

... Respondents/Respondents

Petition filed under Sections 397 read with 401 Cr.P.C, to call for the records relating to the order dated 06.11.2015 passed in Cr.M.P.No.3619 of 2014 by the Sessions Judge, Kanyakumari at Nagercoil and and set aside the same.

For Petitioner : Mr.D.Srinivasaragavan

For R - 2 : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

ORDER

Against the order of dismissal passed in the petitioner's application to condone the delay of 437 days in filing an Appeal against the acquittal, the present Criminal Revision Case has been filed.

2.Based on the complaint given by the petitioner, a case in Crime No.82 of 2007 has been registered against the first respondent herein for the offences under Sections 323, 294(b) and 506(ii) IPC. After investigation, final report has been filed and the same has been taken on file in C.C.No.130 of 2007 and after trial, the trial Court has acquitted the accused from the charges. Challenging the same, the petitioner has filed an Appeal with a delay of 437 days and he has also filed an application to condone the delay. The trial Court below has dismissed the delay petition. Against the order of dismissal, the present Criminal Revision Case has been filed.



3. I have heard Mr.D.Srinivasaragavan, learned counsel for the petitioner and Mr.C.Mayilvahan Rajendran, learned Additional Public Prosecutor for the second respondent and perused the records carefully.

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4. The only reason stated by the petitioner is that the petitioner has no knowledge about the order of acquittal dated 12.07.2013 and thereafter, on 25.06.2014, he went to the police station and enquired about the case and came to know about the acquittal. Thereafter, he filed the appeal with the delay petition.

5. The petitioner, being the defacto complainant has to be vigilant to take necessary steps if he wants to file an appeal. Nearly for one year, the petitioner has not enquired about the result of the judgment and has not taken any steps to file an appeal. The Court below after considering the entire materials, has rightly dismissed the application. Hence, I find no illegality or irregularity in the order passed by the Court below.

6. In fine, this Criminal Case is dismissed.

Sd/-

Assistant Registrar(Protocol)

/True copy/

Sub Assistant Registrar

To

1. The Sessions Judge, Kanyakumari at Nagercoil
2. The Public Prosecutor,
Nagercoil,
through the Sub Inspector of Police,
Mondaicadu Police Station,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.D.Srinivasaragavan , Advocate in SR.No. 64665

mj

AE/MR KKR/SAR1/19.07.2017/2P/5C