



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.M.P(MD)No.631 of 2018

in

Cr1.R.C(MD)No.SR2267 of 2018

Rawthar Nainar

: petitioner

Vs.

1.M.Shahul Hameed

2.T.M.Rasheethu Kan

3.Mirsha Ismail

4.M.S.T.Saththar

5.Samsunisha Begam

6.Malaisamy

7.M.Kamarajar

: Respondents

PRAYER in Cr1.M.P(MD).No.631 of 2018: Petition filed under Section 5 of the Limitation Act, to condone the delay of 243 days in filing this criminal revision petition in Cr.M.P.No.3914 of 2014 dated 24.02.2017 order passed by the learned Judicial Magistrate, Sivagangai.

PRAYER in Cr1.R.C(MD).No.SR2267 of 2018: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in Cr.M.P.No.3914 of 2014 on the file of the Judicial Magistrate, Sivagangai and set aside order dated 24.02.2017.

For Petitioner : Mr.Kaushikan

For R1,R2,R3,R4 & R5: no appearance

R6: Died

ORDER

The revision petition preferred with a delay of 243 days by the revision petitioner challenging the dismissal of his private complaint. No satisfactory reason is stated in the condone delay petition.

2.The trial Court pointing that the claim of the revision petitioner based on oral hibba cannot be subject matter of the criminal prosecution had dismissed the complaint. Whether really Abuthanir gifted any property orally in favour of the petitioner has to be first established in a civil Court of law.



3. This Court finds no error in the said observation for dismissing the private complaint. Further, to challenge the said order, the petitioner has taken 243 days, more and above, the prescribed period of limitation to prefer revision. The reason for delay is that he went to Saudi Arabia to holy trip of umra and further he suffered from jaundice and taking homely treatment. For neither of these two reasons the revision petitioner has filed any document or even not mentioned the date on which the holy trip and date on which he fell ill of jaundice. Since 243 days delay in preferring revision not been properly required for want of sufficient cost to condone delay, the petition is dismissed. Consequently, connected CrI.R.C(MD).No.SR2267 of 2018 is rejected.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

Sub Assistant Registrar(CS-III)

To
The Judicial Magistrate,
Sivagangai.

RMK/AAV
BU/RP/SAR-III :09.10.2018 : 2P/2C

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