



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.10.2018
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P. (MD) .No.3531 of 2015

WEB COPY

Palaniyappa Gounder ... Petitioner/ Petitioner
Vs.

1.The State,
Rep. by the Public Prosecutor,
Dindigul District,
Dindigul.
(Crime No.68 of 2004)

2.Periyasamy

3.Periyasam @ Panneer Selvam ... Respondents/ Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the learned Principal Sessions Judge, Dindigul in Cr.M.P.No.2693 of 2012 dated 08.01.2015 and consequently direct the Principal Sessions Judge, Dindigul to take the application filed by the petitioner to condone the delay of 303 days in preferring the Criminal Revision against the judgment passed in S.C.No.74 of 2005 dated 07.07.2011 on the file of the Assistant Sessions Judge, Palani.

For Petitioners: Mr.N.Sathish Babu

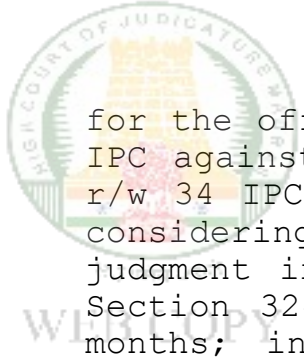
For R1 : Mr.A.P.G.OHM Chairama Prabhu
Government Advocate (Cr1.Side)

For R2 & R3 : Mr.R.Mathiyalagan

ORDER

This quash petition is filed to set aside the order passed in Cr.M.P.No.2693 of 2012 dated 08.01.2015 and for a consequential direction to the learned Principal Sessions Judge, Dindigul to take the application filed by the petitioner to condone the delay of 303 days in preferring the Criminal Revision against the judgment passed in S.C.No.74 of 2005 dated 07.07.2011 on the file of the learned Assistant Sessions Judge, Palani.

2.The learned counsel for the petitioner would submit that on the complaint of the petitioner, the first respondent registered a case in Crime No.68 of 2004 on the file of the Idaiyakottai Police Station for the offence under Sections 341, 324, 326, 307 r/w 34 IPC as against the second and third respondents herein. He further submitted that the first respondent had laid a charge sheet before the learned Assistant Sessions Judge, Palani and the same was taken on file as S.C.No.74 of 2005. The trial Court has taken cognizance



for the offence under Section under Sections 324 and 307 (2 counts) IPC against the second respondent and under Sections 341, 324, 307 r/w 34 IPC against the third respondent. The trial Court after considering the materials placed on record, on 07.07.2011 passed judgment in S.C.No.74 of 2005 imposing a fine of Rs.3,000/- under Section 324 in default to undergo rigorous imprisonment for three months; in respect of Section 326 (2 counts) to pay a sum of Rs.10,000/- as fine, in default to undergo rigorous imprisonment for six months in respect of the second respondent. Insofar as the third respondent is concerned, the trial Court imposed a fine of Rs.3,000/- for the offence under Section 324, in default to undergo three months rigorous imprisonment; in respect of Section 326 r/w 34 IPC to pay a sum of Rs.4,000/-, in default to undergo rigorous imprisonment for six months.

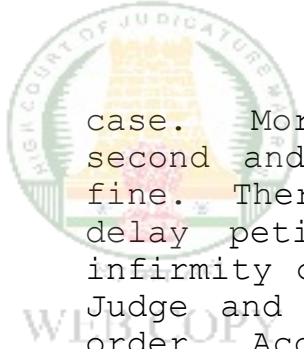
3. Aggrieved by the said order, the petitioner approached the counsel, who appeared for him, to prefer a revision petition against the judgment in S.C.No.74 of 2005 for enhancement of sentence. The counsel instructed him to file the revision petition before the Madurai Bench of Madras High Court, Madurai. The petitioner came to know after some time that the revision petition cannot be maintainable in the High Court. Thereby there was a delay of 303 days in preferring the revision before the District and Sessions Court. Unfortunately without considering the facts and circumstances of the case, the learned District Judge dismissed the petition to condone the delay of 303 days in preferring the revision petition. Therefore, the petitioner seeking to set aside the order passed by the learned District Judge has filed the present petition before this Court.

4. The learned counsel for the second and third respondents herein would submit that the petitioner herein had not even stated a single reason for the delay that was caused in preferring the revision petition. The learned District Judge rightly dismissed the petition to condone the delay and it does not require any interference from this Court. Hence, he prayed for dismissal of this petition.

5. The learned Government Advocate (Crl.Side) would submit that the learned District Judge dismissed the condone the delay petition for the reason that no reasons have been stated for the delay in preferring the criminal revision. Therefore, he also prayed for dismissal of the petition.

6. Heard the learned counsel on either side.

7. It is seen from the affidavit filed in support of the condone delay petition that no reason has been stated by the petitioner for the delay caused in filing the criminal revision case. Further, it is seen that the reasons are very vague and bald. No specific dates, have been mentioned on which the petitioner approached the counsel of this Court for filing criminal revision



case. Moreover for the offences as stated above as against the second and third respondents herein the trial Court had imposed fine. Therefore, no purpose would be served even if the condone the delay petition is allowed. Therefore, there is no error or infirmity or illegality in the order passed by the learned District Judge and this Court is not inclined to interfere with the said order. Accordingly, this Criminal original Petition is dismissed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Principal Sessions Judge,
Dindigul.
- 2.The Assistant Sessions Judge, Palani.
- 3.The Public Prosecutor,
Dindigul District,
Dindigul.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.R.Mathiyalagan, Advocate, SR.No.90293

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