



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2018

CORAM:

THE HONOURABLE DR.JUSTICE **G. JAYACHANDRAN**

Crl.M.P (MD) No.4758 of 2018
in

Crl.R.C(MD)No.SR19693 of 2018

Lakshmanan

: Petitioner/Petitioner

Vs.

Baby

: Respondent/Respondent

PRAYER (Crl.M.P.(MD)No.10526 of 2017): Miscellaneous petition filed under Section 5 of the Limitation Act, to condone the delay of 51 days in filing the Criminal Revision Petition against the order passed in C.M.P.No.9490 of 2016 dated 02.02.2018 on the file of the learned Judicial Magistrate No.I, Kuzhithurai.

PRAYER (Crl.R.C(MD)No.SR32577 of 2017): Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records and set aside the order passed in C.M.P.No.9490 of 2016 dated 02.02.2018 on the file of the learned Judicial Magistrate No.I, Kuzhithurai.

For Petitioner : Mr.S.Sivakumar

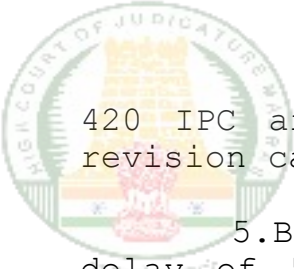
For Respondent : Mr.M.Dennis Joe

ORDER

The criminal miscellaneous petition is filed to condone the delay of 51 days in filing the Criminal Revision Petition against the order passed in C.M.P.No.9490 of 2016 dated 02.02.2018 on the file of the learned Judicial Magistrate No.I, Kuzhithurai.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3.The private complaint filed by the petitioner alleging that fraud has been committed by the respondent by entering into the sale agreement with him and suppressing the fact of settlement in favour of his son and the cancellation of the same unilaterally. The petitioner's complaint was dismissed by the trial Court. After considering the records, the trial Court held that the matter is purely civil in nature and no ingredients of offence under Section



420 IPC are available. Aggrieved by that, the present criminal revision case is filed with the delay of 51 days.

5. Besides no proper explanation is given for condoning the delay of 51 days, even on merits this Court finds no ground to interfere. Therefore, the petition to condone the delay of 51 days is dismissed. Consequently, the CrI.R.C(MD)No.SR19693 of 2018 is rejected at the SR stage itself.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Judicial Magistrate No.I,
Kuzhithurai.
2. The Chief Judicial Magistrate,
Nagercoil at Kanyakumari.

+ 2 CC TO Mr.M.DENNIS JOE, ADVOCATE IN SR No. 82704

CP

TE/SKN/SAR-1 : 27/09/2018 : 2P/5C

CrI.M.P (MD) No.4758 of 2018 in
CrI.R.C(MD)No.SR19693 of 2018
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