



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Nineteenth day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP (MD) No.6170 of 2018

IN

CRL RC (MD) No.SR20360 of 2018

A. LAKSHMI

... PETITIONER/PETITIONER

Vs

- 1.MALAIYAMMAL
- 2.PACKIYAM
- 3.THAVAMANI
- 4 SANTIYA
- 5 JEYARAJ
- 6 KALIMUTHU
- 7 LAKSHMANAN

8.STATE REP.BY
THE INSPECTOR OF POLICE,
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to condone the delay of 80 days in filing the above Criminal Revision Petition against the order passed in Cr.M.P.No. 9781/2016 dated 22.12.2017 on the file of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.RAMU, Advocate for the petitioner and MR.A.ROBINSON, Government Advocate(crl. side) on behalf of the Eight Respondent, the court made the following order:-

Perused the document.

2.The private complaint filed by the petitioner herein was found to be "mistake of fact", based on the Police report and therefore, the Trial Court has dismissed the complaint saying itself, this is a civil dispute and no material is required to summon the respondents herein. Aggrieved over the same, this petition has been filed with a delay of 80 days, challenging the dismissal of the private complaint.



3.The reasons for delay stated by the petitioner herein is that she is 70 years old and she was suffering from jaundice. Hence, she was not able to prefer the revision petition immediately. No medical records is available to substantiate this claim. However, more even in the private complaint, though she alleges that on 30.10.2016, she sustained injury and went to the hospital for taking treatment, in this regard, no medical records are furnished. The respondent Police after making a thorough investigation, has found that there was no merit in the complaint for prosecuting the case. Therefore, this Court finds no merit in the order passed by the Trial Court, dismissing the complaint for want of material evidence.

4.In the said circumstances, the reasons for delay in preferring the revision is not properly explained. Hence, this Court is of the view that there is no purpose in condoning the delay. This Petition is dismissed accordingly.

sd/-

19/09/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.

3.THE INSPECTOR OF POLICE,
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to MR.M.RAMU Advocate SR.No.85167

ORDER
IN
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IN
CRL RC(MD) No.SR20360 of 2018
Date :19/09/2018