

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Crl.R.C.No.74 of 2019

K.Buvaneswari
rep.by her General Power of
Attorney K.Gajalakshmi ... Petitioner

vs.

The State, rep.by
1.The Superintendent of Police,
District Crime Branch,
Kancheepuram District.
2.The Inspector of Police,
District Crime Branch,
Kancheepuram District. ... Respondents

Prayer: Petition filed under Section 374 of Cr.P.C. to set aside the order passed in Crl.M.P.No.2848 of 2018, dated 16.10.2018, by the Judicial Magistrate No.II, Chengalpattu.

For Petitioner : Mr.K.Gajalakshmi

For Respondents : Mr.G.Harihara Arun Soma Sankar
Government Advocate

ORDER

The above Criminal Revision Case has been filed against the order passed by the learned Judicial Magistrate, No.2, Chengalpattu, in Crl.M.P.No.2848 of 2018 in Crime No.29 of 2014, dismissing the petition seeking condonation of delay of 314 days in representation of the protest petition.

2.According to the learned Judicial Magistrate, no proper reasons were spelt out in the petition seeking condonation of delay. The petitioner, who appeared as party-in-person, mentioned the reason that during the period of delay which was sought to be condoned, she was appearing constantly before the High Court of Madras and the Hon'ble Supreme Court. However, it appears that before the Court below, no materials were placed in

support of the said reason. The learned Judicial Magistrate dismissed the petition on the ground that the reason as set forth by the petitioner herein was not supported by any materials, is unbelievable.

3.This Court finds that no material wrong has been committed by the learned Judicial Magistrate while dismissing the petition seeking condonation of delay in representation. When the delay is sought to be condoned, it is imperative on the part of the petitioner seeking condonation of delay, to explain the delay in a manner acceptable to law. Merely asserting that she was constantly appearing for a period of 314 days before the High Court of Madras and the Hon'ble Supreme Court does not appear to be believable and the same does not cut much ice with this Court also. Therefore, this Court is of the view that the learned Judicial Magistrate has rightly rejected the petition and the order passed by her does not call for any interference. Hence, this Criminal Revision Case stands dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Msk
To

- 1.The Judicial Magistrate No.2,
Chengalpattu.
- 2.The Superintendent of Police,
District Crime Branch,
Kancheepuram District.
- 3.The Inspector of Police,
District Crime Branch,
Kancheepuram District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to M/S.Gajalakshmi, Advocate Sr.3192

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srg 12/02/2019