

Crl.MP.No.10073 of 2019
in Crl.RC.No.SR30109 of 2019

P.N. PRAKASH, J.

On 02.02.2011, when the petitioner's daughter viz., Vasuki was on the pillion in a motor cycle driven by Ranganathan, the second respondent herein, an accident took place, in which, Vasuki lost her life. The police registered a case in Crime No.92 of 2011 on 03.02.2011 under Sections 279 and 304(A) IPC against Ranganathan/second respondent. After completing the investigation, the police filed a charge sheet in C.C.No.82 of 2011 before the Judicial Magistrate, Harur, against Ranganathan/second respondent. The learned Judicial Magistrate, Harur, closed the case on 11.11.2014 on the ground that the police were not able to serve summons on Ranganathan/accused. On coming to know of this order, the petitioner filed the present Criminal Revision case with a delay of 1598 days, for which, she filed Crl.MP.No.10073 of 2019 under Section 5 of the Limitation Act, 1963.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the first respondent.

3. On 08.08.2019, this Court directed the Inspector of Police, Harur Police Station, Dharmapuri District to produce Ranganathan, S/o.Theethu,

4. The learned Government Advocate (Crl. Side) submitted that the enquiry conducted by the police revealed that Ranganathan/second respondent has gone to America and will be back on 08.09.2019.

5. The above submission clearly shows that the police were aware of the whereabouts of Ranganathan, despite which, they had not cared to serve summons on him in C.C.No.82 of 2011. The petitioner came to know about the fate of the case only during M.C.O.P. proceedings and thereafter, she has filed the present Criminal Revision seeking to set aside the order dated 11.11.2014 passed by the Judicial Magistrate, Harur, closing the prosecution on the ground that the police were not able to serve summons on Ranganathan. The petitioner has given satisfactory reasons in the affidavit filed in support of the condone delay petition.

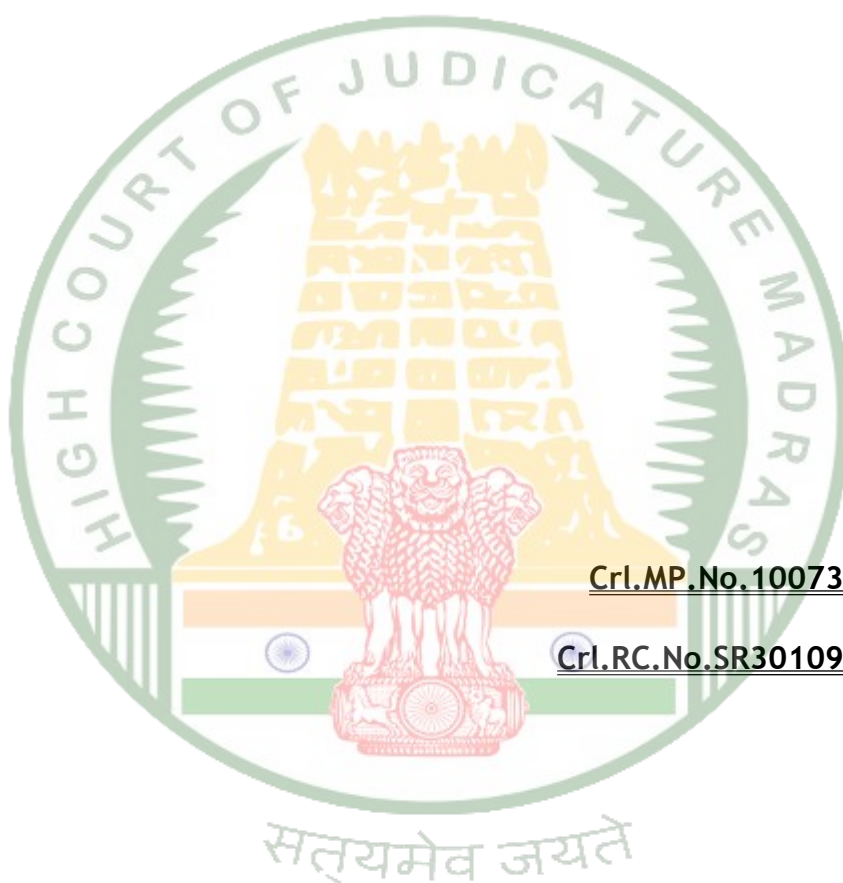
6. Hence, this Criminal Miscellaneous Petition seeking to condone the delay of 1598 days in filing the Criminal Revision stands condoned. The Registry is directed to number the Criminal Revision, if the same is otherwise in order.

29.08.2019

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