



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

Thursday, the Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.1904 of 2019
IN
CRL RC (MD) No.SR6951 of 2019

T.SRI SKANTHARAJA

... PETITIONER/ REVISION PETITIONER

-Vs-

KALA

... RESPONDENT/ RESPONDENT

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 234 days in filing this Criminal Revision petition against the order passed in Cr.M.P.No.55 of 2017 in M.C.NO.136 of 2015 dated 28/03/2017 on the file of the Family Court, Tiruchirappalli and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.RMS.SETHURAMAN, Advocate for the petitioner and of Mr.S.MICHEAL HELDON, Advocate on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to condone the delay of 234 days in filing the criminal revision petition against the order passed in Crl.M.P.No.55 of 2017 in M.C.No.136 of 2015, dated 28.03.2017 on the file of the Family Court, Tiruchirappali.

2.Heard both sides and perused the materials available on record.

3.It is mainly argued on the side of the petitioner that the petitioner has filed the criminal original petition on 26.11.2018 to set aside the order passed in Cr.M.P.No.55 of 2017, dated 28.03.2017 in M.C.No.136 of 2015, dated 28.03.2017 and the said petition has been returned on 26.02.2019 with an endorsement, petition is not maintainable under Section 482 of Cr.P.C as against the final order. Hence, there is a delay of 234 days in preferring this revision petition and the delay is neither wilful nor wanton.

4.On the other hand, it is argued on the side of the respondent that the delay of 234 days in filing the above criminal revision without assigning any valid reason to condone the huge delay and



absolutely, there is no reason assigned for condoning the inordinate delay in filling the revision petition and as such, the petition to condone the delay in filing the criminal revision petition has to be dismissed with costs.

5. It is seen that the delay in preferring the criminal revision petition is only 234 days. This court has satisfied with the reasons given in the affidavit to file the condone delay petition. In the interest of justice, this petition is **allowed** on condition that the petitioner shall pay a sum of Rs., 2,000/- (Rupees Two thousand only) to the Chief Justice Relief Fund, within a period of two weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without reference to this court.

sd/-

09/05/2019

/ TRUE COPY /

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

TO
THE JUDGE,
FAMILY COURT,
TIRUCHIRAPPALLI.

COPY TO:

THE SECTION OFFICER, (the Chief Justice Relief Fund)
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.1904 of 2019

IN

CRL RC (MD) No.SR6951 of 2019

Date : 09/05/2019

MS/VR/SAR-3/03.06.2019/2P.3C