



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

Tuesday, the Sixth day of August Two Thousand Nineteen

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PRESENT

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.5580 of 2019
IN
CRL RC(MD) No.SR16323 of 2019

S.P.ARUMUGAM

... PETITIONER/PETITIONER

Vs

KASIDURAI SELVI

... 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 472 days in preferring the resent criminal revision as against the judgment dated 06.10.2017 passed in Crl.A. No.36 of 2016 on the file of the I Additional District and Sessions Judge, Thoothukudi District.

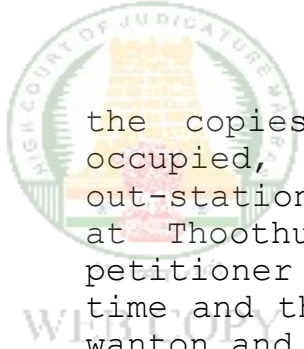
PRAYER IN CRL RC(MD) No.SR16323 of 2019:

Pleased to call for records and set aside the Judgment dated 06.10.2017 passed in Crl.A.No.36 of 2016 on the file of the Learned I Additional District and Sessions Judge, Thoothukudi, Thoothukudi District confirming the Order dated 01.04.2016 passed in M.C.No.119 of 2014 on the file of the Learned Judicial Magistrate No.I, Thoothukudi, thoothukudi District.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.THIRUVADI KUMAR, Advocate for the petitioner and of Mr.G.Anbu Chezheian, Advocate for Respondent, the court made the following order:-

This Miscellaneous Petition has been filed to condone the delay of 472 days in preferring the criminal revision as against the judgment, dated 06.10.2017 passed in Crl.A.No.36 of 2015 on the file of the 1st Additional District and Sessions Judge, Thoothukudi, Thoothukudi District.

2.The learned counsel appearing for the petitioner submitted that the petitioner got a fair chance of success in the present criminal revision and the impugned order came to be passed on 06.10.2017 and the copy application was filed only on 05.04.2019 and



the copies came to be received on 16.04.2019 and due to pre-occupied, business commitments, the petitioner had to travel for out-station, thereby resulting in a delay in contacting the counsel at Thoothukudi and due to sudden decline of the health, the petitioner was not able to file the present criminal revision in time and the delay in approaching this court is neither willful nor wanton and prays for allowing this petition.

3.The respondent filed a counter denying the allegations made in the affidavit are utter false and that the petitioner is working in saltern at Thoothukudi and sometimes he is doing contract basis to put clay in saltern at Thoothukudi and there is no chance to travel out station and there is no mention of any disease and the petitioner filed this petition only to create sympathy and he made false affidavit for filing this condone delay application and prays for dismissal of the petition.

4.This court heard the submissions made on either side and also perused the materials available on record.

5.It is seen that the petitioner had got a fair chance of success in this criminal revision and the impugned order came to be passed on 06.10.2017 and the copy application was filed only on 05.04.2019 and the copies came to be received on 16.04.2019. Further, the petitioner is having business commitments in various places and due to it, he has to travel for out station and hence, there was a delay in contacting the counsel at Thoothukudi.

6.This court satisfied with the reasons stated in the affidavit filed in support of this petition and in the interest of justice, the petition is allowed on payment of **Rs.2,000/- (Rupees Two thousand only) to the Legal Services Authority attached to this Bench**, within a period of one week from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without further reference to this court.

sd/-
06/08/2019

/ TRUE COPY /

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

TO

1.THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI, THOOTHUKUDI DISTRICT

2.THE JUDICIAL MAGISTRATE NO.I,
<https://hcservices.ecourts.gov.in/hcservices/>
THOOTHUKUDI, THOOTHUKUDI DISTRICT.



3.-DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

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

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Copy To: THE CO-ORDINATOR,
THE LEGAL SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate
(SR-12975[I] dated 06/08/2019)

ORDER
IN
CRL MP (MD) No.5580 of 2019
IN
CRL RC (MD) No.SR16323 of 2019
Date :06/08/2019

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ES/JC/SAR 2/26.08.2019/3P/7C