

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.M.P.No.3588 of 2020

in

Crl.R.C.SR.No.11941 of 2020

Kalaiarasi

...Petitioner/Petitioner

Vs.

1.The state rep by;
The Inspector of Police
Adhiyaman Kottai Police Station
Dharmapuri District.

2.Manjula

3.Siddammal

...Respondents/Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 44 days in filing the above Criminal Revision Petition against the order dated 30.10.2019 made in CMP.No.2867 of 2019 in C.C.No.38 of 2014 on the file of the Judicial Magistrate No.II, Dharmapuri.

For Petitioner : Mr.V.Sakkarapani

For Respondents: Mr.T.ShunmugaRajeswaran, for R1
Government Advocate(Crl.Side)

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ORDER

This petition has been filed to condone the delay of 44 days in filing the above Criminal Revision Petition against the order passed by the Judicial Magistrate No.II, Dharmapuri in CMP.No.2867 of 2019 in C.C.No.38 of 2014 dated 30.10.2019.

2. The first respondent herein has filed a charge sheet

against the respondents 2 and 3 herein stating that they have committed offences punishable under Sections 294(b), 323 and 324 IPC and based on the said charge sheet, the learned Judicial Magistrate No.II, Dharmapuri has taken the case on file in C.C.No.38 of 2014 and issued summons to the original accused Nos.1 and 2. On receipt of the summons, the accused Nos.1 and 2 appeared before the trial Court and the learned Judicial Magistrate after perusing the records framed the charge against them under Sections 294(b), 323 and 324 IPC and thereafter, posted the case for trial. During trial, the defacto complainant was examined as PW1 and the said PW1 has deposed implicating the petitioner herein in the above case. Based on the said evidence, the learned Assistant Public Prosecutor has filed CMP.No.2867 of 2019 to implead the petitioner herein as accused No.3. The learned Judicial Magistrate after hearing the learned Assistant Public Prosecutor and also the original accused Nos.1 and 2 has allowed the said petition by the order dated 30.10.2019 and issued summons to the petitioner herein. After receipt of the summons, the petitioner has filed the above Criminal Revision Petition challenging the order passed by the learned Judicial Magistrate dated 30.10.2019.

3. The petitioner has filed a better affidavit in which, she has stated that the learned Judicial Magistrate has issued summons to her, directing her to appear on 18.12.2019 and only after receipt of the said summons, she came to know that the learned Judicial Magistrate has passed an order directing the petitioner herein to be impleaded as third accused and thereafter, she instructed her counsel to get certified copy and hence, there is a delay of 44 days in filing the above Criminal Revision Petition.

4. It appears that the said reason is an acceptable one and hence, in order to give an opportunity to the petitioner to challenge the order passed by the learned Judicial Magistrate to implead her as accused, this court is inclined to allow this petition.

5. Accordingly, the delay is condoned and this petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

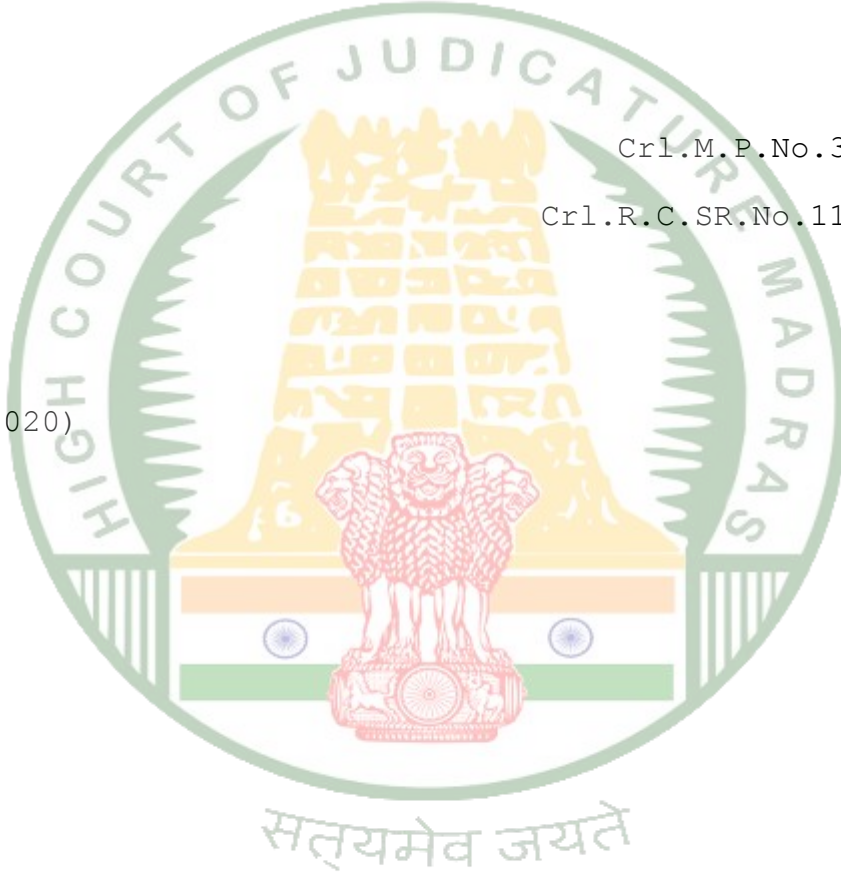
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To

- 1.The Judicial Magistrate No.II,
Dharmapuri.
- 2.The Inspector of Police
Adhiyaman Kottai Police Station
Dharmapuri District.
- 3.The Public Prosecutor
High Court,
Madras.

CrI.M.P.No.3588 of 2020
in
CrI.R.C.SR.No.11941 of 2020

NMI (CO)
RN(08/06/2020)



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