



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

Monday, the Twenty First day of December Two Thousand and Twenty

PRESENT

The Hon'ble Mrs. Justice R. THARANI

CRL MP(MD) No.5098 of 2020 in
CRL RC(MD) SR No.19563 of 2020

K.SIVASAKTHI

... PETITIONER/PETITIONER

Vs

R.BALASUBRAMANIAN

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to condone the delay of 512 days to preferring the Criminal Revision petition against the order dated 21/02/2018, made in C.C.NO.290 of 2016 on the file of the Judicial Magistrate cum Fast Track Court, Karur as confirmed by the judgment dated 30/07/2018, made in Crl. Appeal No.64 of 2018 on the file of the Additional Sessions Judge, Karur.

Prayer in CRL RC(MD) SR No.19563 of 2020 :

To set aside the conviction and sentence dated 21.02.2018 made in C.C.No.290 of 2018 on the file of the Judicial Magistrate cum Fast Track Court, Karur, as confirmed by the judgment dated 30.07.2018, made in Crl. Appeal No.64 of 2018 on the file of the Additional Sessions Judge, Karur and allow the Revision Petition.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.N.ANANDAKUMAR, Advocate for the petitioner and of Mr.K.SURESH, Advocate on behalf of the Respondent, the Court made the following order:-

This petition has been filed to condone the delay of 512 days to preferring the Criminal Revision Case.

2.The case of the petitioner is that the respondent filed a complaint against the petitioner under Section 138 of Negotiable Instruments Act. The case was taken on file as C.C.No.290 of 2016 by the learned Judicial Magistrate, Karur. The petitioner was found guilty and was sentenced him to undergo five months simple imprisonment and to pay a fine Rs.2,000/- (Rupees Two Thousand only) in default to undergo thirty days simple imprisonment. Against that order, the petitioner preferred the appeal in Crl.A.No.64 of 2018 on the file of the learned Additional Sessions Judge, Karur. That appeal was dismissed by the said Court. Against the same, the petitioner preferred this revision case with a delay of 512 days.



3. On the side of the petitioner, it is stated that the petitioner is a housewife having health issues and having hypertension and that the petitioner was not able to surrender before the trial Court on the date of judgment. There were compromise talks between the respondent and the petitioner and hence, the petitioner could not surrender. The husband of the petitioner was also convicted and was sentenced for an offence under Section 138 of Negotiable Instruments Act. When the petitioner was taking steps to file a revision, she was attacked with jaundice and took country treatment at her native place and hence, she was not able to file revision in time and prayed the delay of 512 days to be condoned.

4. On the side of the respondent, it is stated that there is absolutely no grounds for the delay. When the petitioner was affected with the jaundice and how many days she took the treatment are not stated in the petition. There is no necessity for taking treatment for 512 days for jaundice. Each day delay is not explained. There are various judgments of this Court and that of the Hon'ble Apex Court in support of the dismissal of the delay excuse petitions. No witness was examined by the petitioner before the trial Court and that there is no necessity to file appeal against the concurrent judgment of the Courts below and prayed the petition to be dismissed.

5. There is no medical documents to support the claim of the petitioner. There is no necessity for taking 512 days for treatment of jaundice. Though the reasons stated are not satisfactory, an opportunity to the petitioner to put forth her case has to be given. Hence, this petition is allowed on payment of cost of Rs.5,000/- (Rupees Five Thousand only) to the respondent counsel on or before 11.01.2021. Failing which, the petition stands automatically dismissed.

sd/-
21/12/2020

/ TRUE COPY /

/ /2020

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

TO

1. THE ADDITIONAL SESSIONS JUDGE, KARUR.
2. THE JUDICIAL MAGISTRATE,
FAST TRACK COURT, KARUR.

ORDER IN
CRL MP(MD) No.5098/2020 in
CRL RC(MD) SR No.19563/2020
Date :21/12/2020

MRN

<https://hccrcs.eco.in/SAR/In/Case/12.2020/2P/3C>