



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

Tuesday, the Tenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.11015 of 2019

in

CRL RC(MD) SR No.36922 of 2019

S.KENNEDY

... PETITIONER/ PETITIONER

Vs

ALICIA RODRIGO

... 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 504 days in filing and along with grant leave petition the Criminal Appeal against the judgment dated 06.04.2018 passed in C.A.No.113/2017 on the file of the 2nd Additional Sessions Court, Thoothukudi, Thoothukudi District confirming the acquittal of the respondent passed by the judgment dated 21.07.2017 in C.C.No.67 of 2016 on the file of the Fastrack Court (Magisterial level Court), Thoothukudi, Thoothukudi District.

Prayer in CRL RC(MD) SR No.36922 of 2019:

To call for the records of the Judgment dated 06.04.2018 passed in C.A.No.113 of 2017 on the file of the 2nd Additional Sessions Court, Thoothukudi, Thoothukudi District confirming the acquittal of the respondent passed by the judgment dated 21.07.2017 in C.C.No.67 of 2016 on the file of the Fastrack Court (Magisterial level Court), Thoothukudi, Thoothukudi District and set aside the same.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.PANDIYARAJ, Advocate for the petitioner and of MR.G.KANNAN, Advocate on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to condone the delay of 504 days in preferring the criminal revision against the order passed by the courts below.

2.The learned counsel appearing for the petitioner submitted that the petitioner got a fair chance of success in the main criminal revision and due to illness, he could not able to contact the counsel and did not file the revision in time and the delay is not wilful or wanton and prays for allowing this petition.



3. On the other hand, the learned counsel appearing for the respondent strongly opposed by contending that the reasons stated in the petition are not sufficient and the petitioner made false affidavit for filing this application and prays for dismissal of the petition.

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

5. The petitioner stated that he got a fair chance of success in the main criminal revision and there was a delay of 504 days in filing the criminal revision. The reasons stated in the petition are acceptable.

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 Chief Justice Relief Fund, 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/-
10/03/2020

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/ /2020

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

TO

- 1 THE II ADDITIONAL SESSIONS JUDGE,
THOOTHUKUDI.
- 2 THE JUDGE,
FASTRACK COURT (MAGISTERIAL LEVEL COURT),
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

COPY TO:

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.11015 of 2019
in
CRL RC(MD) SR No.36922 of 2019
Date :10/03/2020

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<https://hcmvce.org.in/Services/3.2020/2P/5C>