



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

Tuesday, the Third day of March Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

Crl.MP(MD)No.11430 of 2019

in

Crl.RC(MD)SR No.38419 of 2019

S. MURUGARAJA

... PETITIONER/PETITIONER

Vs

PARVATHY @ EPISHA

... 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 870 days in preferring the Criminal revision as against the order passed by the learned District Munsif cum Judicial Magistrate, Andipatti in M.C.No.02 of 2012 dated 20.02.2017.

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

This Criminal Miscellaneous Petition has been filed to condone the delay of 870 days in preferring the criminal revision against the order passed by the District Munsif-cum-Judicial Magistrate, Andipatti, in MC No.2 of 2012, dated 20.02.2017.

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 misplace of bundle, the criminal revision could not be filed in time and the delay is neither willful nor 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.



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 870 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.5,000/- (Rupees Five 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 further reference to this court.

sd/-
03/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ANDIPATTI.
2. THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

COPY TO:

THE SECTION OFFICER,
ACCOUNTS SECTION,
(CHIEF JUSTICE RELIEF FUND),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.KALIRAJ, Advocate (SR-4875[I] dated 05/03/2020)

ORDER
IN
CRL MP (MD) No.11430 of 2019
in
Crl.RC (MD) SR No.38419 of 2019
Date :03/03/2020

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AE/JC/SAR-III (06.03.2020) 2P 5C