



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.471 OF 2021

AND

CRL.M.P.NO.7686 OF 2021

L.Manigandan

... Petitioner/Petitioner

Vs.

1. N.K.Krishnakumari

2. State Rep. by
Public Prosecutor,
Udagamandalam,
The Nilgiris.

... Respondents/Respondents

Prayer:

This Criminal Revision is filed under Section 397 r/w 401(2) of Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.946 of 2018 in CA.CFR.1323 of 2018 on the file of the Session Judge of Nilgiris at Udagamandalam dated 26.03.2019.

For Petitioner : Mr.J.R.Prabhakaran

For R1 : Mr.J.Franklin

For R2 : Mr.S.Sugendran
Government Advocate (Crl.Side)

O R D E R

The present criminal revision has been filed to set aside the order passed in Crl.M.P.No.946 of 2018 in CACFR.No.1323 of 2018 on the file of the learned Session Judge of Nilgiris at Udagamandalam dated 26.03.2019.

2. The petitioner is the appellant in CACFR.No.1323 of 2018 and he filed a petition in Crl.M.P.No.946 of 2018 to condone the delay of 17 days in filing the appeal before the learned Sessions Judge of the Nilgiris at Udhagamandalam. The said petition was ordered with a condition of paying Rs.500/- as cost. He has not complied with the said condition and



subsequently, Crl.M.P.No.946 of 2018 was dismissed on 08.03.2019. Challenging the said order, the petitioner has filed the present revision before this Court.

3. Eventhough there was a delay in filing the petition, this Court while condoning the delay, ordered to deposit 50% of the compensation amount awarded by the learned Magistrate. The petitioner also deposited and complied with the condition. Now, the revision is taken up for hearing.

4. Though the learned Sessions Judge condoned the delay with the conditional order in Crl.M.P.No.946 of 2018, that has not been complied with by the petitioner. However, in order to give opportunity, the order passed by the learned Sessions Judge is set aside. But this Court deems it fit to enhance the cost imposed by the learned Sessions Judge in the order dated 08.03.2019 from Rs.500/- to Rs.5,000/-. The petitioner is directed to pay a sum of Rs.5,000/- to the first respondent on or before 23.08.2021 and to file a receipt before the learned Sessions Judge, Udhagamandalam on 24.08.2021. After getting the receipt of the same, the learend Sessions Judge, Udhagamandalam is directed to take the appeal on file, if it is otherwise in order and dispose the matter in accordance with law and if the petitioner failed to pay a sum of Rs.5,000/- to the first respondent, the order passed by the learend Sessions Judge dated 26.03.2019 stands confirmed automatically without further reference to this Court.

5. The criminal revision is disposed of with the above direction. Consequently, the connected criminal miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Session Judge of Nilgiris
at Udagamandalam.
2. The Public Prosecutor,
High Court, Madras.



3. The Public Prosecutor,
Udagamandalam,
The Nilgiris.

+1cc to Mr.J.R.Prabhakaran, Advocate, S.R.No.39625

Cr1.R.C.No.471 of 2021
and
Cr1.M.P.No.7686 of 2021

AJS (CO)
CS/12/08/2021