

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2021

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.M.P.No.11573 of 2019

in

Crl.RC.SR.No.39311 of 2019

Kanagaraj

...Petitioner in Crl.M.P. and Crl.RC.SR. Petitions

Vs

Seenivasan

...Respondent in Crl.M.P. and Crl.RC.SR. Petitions

Prayer in Crl.M.P.No.11573 of 2019: Criminal Miscellaneous Petition has been filed under Section 5 of the Limitation Act, praying to condone the delay of 156 days in filing this Crl.R.C. against the order in Crl.M.P.No.1512 of 2018 by the Principal Sessions Court, Tiruppur.

Prayer in Crl.RC.SR.No.39311 of 2019: Criminal Revision is filed under Section 397 read with 401 of Cr.P.C. to call for the records pertaining to the order dated 14.11.2018 passed in Cr.M.P.No.1512 of 2018 by the Principal Sessions Court, Tiruppur and set aside the same and consequently direct the learned Principal Sessions Judge, Tiruppur to take the case on file and proceed further and dispose according to law.

In Both Crl.M.P. and Crl.RC.SR. Petitions

For Petitioner : Mr.T.Ganesh

For Respondent : Notice served on Respondent

ORDER

(The case has been heard through video conference)

The Criminal Miscellaneous Petition has been filed seeking to condone the delay of 156 days in filing the above revision against the order in Cr.M.P.No.1512 of 2018 passed by the Principal Sessions Court, Tiruppur.

2. The petitioner is the complainant and the respondent is the accused. The petitioner had filed a private complaint in C.C.No.314 of 2011 against the respondent before the learned Judicial Magistrate No.I, Udumalpet. The said petition was dismissed on 27.10.2017. Against which, the appellant filed an appeal before the learned Principal Sessions Judge, Tiruppur and there was a delay of 77 days in filing the appeal. Therefore, the petitioner filed a petition under Section 5 of Limitation Act to condone the delay of 77 days and the same was taken on file by the learned Principal Sessions Judge in Cr.M.P.No.1512 of 2018 and the petition was dismissed on 14.11.2018 due to non appearance of the petitioner/complainant.

3. Now challenging the said order of dismissal in Cr.M.P.No.1512 of 2018 dated 14.11.2018, the petitioner has filed the above revision before this Court and again there is a delay of 156 days in filing the revision. Hence, the present Criminal Miscellaneous Petition has been filed to condone the delay of 156 days in filing the revision.

4. It is seen that there was a delay of 77 days in filing the appeal before the Court below. However, the petitioner has not filed the revision within 190 days and again there is a delay of 156 days in filing the revision before this Court. The reasons stated in the accompanying affidavit and the attitude of the complainant are not satisfied. Further, condoning the delay is purely discretionary power of the Court.

5. Therefore this Court does not find any reason to condone the delay of 156 days for filing the revision. Therefore, the Criminal Miscellaneous Petition is dismissed. Consequently, the above Criminal Revision Case in CrI.RC.SR.No.2782 of 2019 is rejected at the S.R. Stage.

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Crl. M.P.No.11573 of 2019

P.VELMURUGAN,J.

Dsn

To

1. The Judicial Magistrate No.I,
Udumalpet.
2. The Principal Sessions Judge,
Tiruppur



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