



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2021

CORAM:

THE HONOURABLE MRS.JUSTICE R.THARANI

Crl.M.P.(MD)No.5902 of 2020

and

Crl.A.(MD)No.SR22603 of 2020

Pappathi

... Petitioner

Vs.

1.State: Inspector of Police,
Sholavandan Police Station,
Madurai District
(Crime No.2 of 2015)

2.Jeyaraman
3.Amutha
4.Muthuraja
5.Seethalakshmi
6.Veeman
7.Pandi

... Respondents

PRAYER in Crl.M.P.(MD)No.5902 of 2020:

Criminal Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 24 days in filing the Criminal Appeal, against the judgment in C.C.No.748 of 2019, dated 11.12.2019, on the file of the Judicial Magistrate, Vadipatti.

PRAYER in Crl.A.(MD)No.SR22603 of 2020:

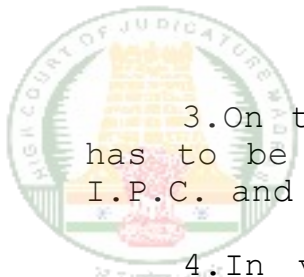
Criminal Revision Case filed under Section 378 (4) Cr.P.C., to call for the records in C.C.No.748 of 2019, on the file of the Judicial Magistrate, Vadipatti, dated 11.12.2019 and to set aside the same.

For Petitioner : Mr.T.A.Ebenezer
For Respondents : Mrs.S.Bharathi
Government Advocate for R1
: Mr.P.Manimaran for R2 to R7

O R D E R

This petition has been filed to condone the delay of 24 days in filing the Criminal Appeal, against the judgment in C.C.No.748 of 2019, dated 11.12.2019, on the file of the Judicial Magistrate, Vadipatti.

2.On the side of the petitioner, it is stated that the appeal may be remanded to the Sessions Court under section 401(5) Cr.P.C.



3.On the side of the respondent, it is stated that the appeal has to be filed only before the Sessions Court under Section 372 I.P.C. and cannot be converted as an appeal by this Court.

4.In view of the submission made by both side counsel, the petitioner is directed to file an appeal before the Sessions Court. The concerned Sessions Court is directed to consider the period of pendency of this petition before this Court while deciding the question of delay.

5.With the above directions, the Criminal Miscellaneous Petition is disposed of. Consequently, connected Crl.A.(MD) No.SR22603 of 2020 is closed at the SR stage itself.

Sd/-

Assistant Registrar (Cs-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

LS

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate,
Vadipatti.
- 2.The Inspector of Police,
Sholavandan Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 4.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

Order made in
Crl.M.P. (MD)No.5902 of 2020 and
Crl.A. (MD)No.SR22603 of 2020
18.02.2021

PM(CO)

SRS (04/03/2021) 2P : 5C

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