



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

Friday, the Eighth day of October Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL MP(MD) No.7995 of 2021
in
Crl.R.C.(MD) SR.No.24109 of 2021

INDIRA SAROJINIBAI BACKIYAM CHARLOTTEE ... PETITIONER/
PETITIONER

Vs

M.MERLIN ... RESPONDENT/
RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order for condoning the delay of 343 days in filing the Criminal Revision Petition against the Judgment, dated 7/1/2019, passed in Criminal Appeal in C.A.No.64 of 2017, on the file of the Court of 3rd Additional Sessions, Tirunelveli by modifying the order, dated 06.09.2017, passed in M.C.No.11 of 2016, on the file of the Court of Judicial Magistrate No.I, Tirunelveli.

PRAYER IN Crl.R.C.(MD) SR.No.24109 of 2021:

To call for the records and set aside the judgment, dated 07.01.2019, passed in C.A.No.64 of 2017, on the file Court of 3rd Additional Sessions, Tirunelveli and the order, dated 06.09.2017, passed in M.C.No.11 of 2016, on the file of the Court of Judicial Magistrate No.I, Tirunelveli.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.J.JOHN JAYAKUMAR, Advocate for the petitioner and of Mr.T.A.EBENEZER, Advocate on behalf of the Respondent, the court made the following order:-

This application has been filed to condone the delay of 343 days in filing the Criminal Revision Case against the judgment dated 07.01.2019 passed in C.A.No.64 of 2017 by the III Additional Sessions Judge, Tirunelveli by modifying the order dated 06.09.2017 made in M.C.No.11 of 2016 on the file of the learned Judicial Magistrate No.I, Tirunelveli.



2. Today, when this application is came up for hearing, the learned counsel appearing for the petitioner and the respondent appeared before this Court through Video Conferencing.

3. The learned counsel appearing for the petitioner would submit that while at the time of disposing the Criminal Appeal in C.A.No.64 of 2017, the learned III Additional Sessions Judge, Tirunelveli without considering the status of the petitioner, directed her to pay a sum of Rs.12,000/- per month to the respondent and also directed to pay a sum of Rs.3,00,000/- as compensation to the respondent. The petitioner being the aged lady is not in a position to pay the entire arrear amount within the stipulated period, further the findings arrived at by the learned Sessions Judge is erroneous one and therefore, the petitioner is before this Court with this revision.

4. In this regard, the learned counsel appearing for the respondent would submit that the respondent being a lady, now leads her life without any support. Further, the petitioner is having the source to comply the order dated 07.01.2019 made in C.A.No.64 of 2017. According to him, as of now, Rs.5.8 lakhs is a arrear amount which has to be paid by the petitioner to the respondent. On the other hand, he has not raised any serious objection for condoning the delay.

5. Now considering the facts and circumstances of the case, whether the petitioner is having capability to pay the amount or not has to be decided only at the time of deciding the revision. On the other hand, this is not a time to decide the issue raised in the proposed revision case. Therefore, considering the facts and circumstances of the case, this petition is allowed subject to the condition that the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of M.C.No.11 of 2016, on the file of the learned Judicial Magistrate No.I, Tirunelveli, within a period of six weeks (6 weeks) from the date of receipt of a copy of this order, failing which, this petition shall stand automatically dismissed without any reference to this Court. On such deposit, the Registry is directed to register the petition mentioned revision.

sd/-
08/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO
1 THE 3RD ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI

2 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

+1CC TO Mr.J.JOHN JAYAKUMAR, Advocate, SR NO.7117

ORDER

IN

CRL MP(MD) No.7995 of 2021 in
Crl.R.C.(MD) SR.No.24109 of 2021
Date :08/10/2021

AM

MS/PN/SAR-3/13.10.2021/3P.5C