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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CrI.R.C.No.290 of 2022

Sathish

... Petitioner

versus

The State,
Rep. by the Inspector of Police,
North Police Station,
Tiruppur, Tiruppur District.

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying to set aside the order dated 08.04.2021 made in Cr.M.P.No.874 of 2020 on the file of the learned Principal Sessions Judge, Tiruppur.

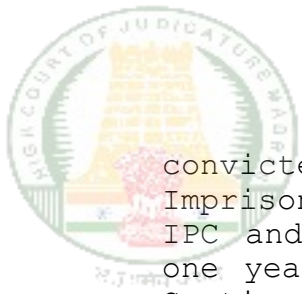
For Petitioner : M/s.B.Kavya

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

O R D E R

Being dissatisfied with the order dated 08.04.2021 made in Cr.M.P.No.874 of 2020 passed by the learned Principal Sessions Judge, Tiruppur, the petitioner, who is arrayed as an accused in C.C.No.606 of 2014 on the file of the learned Judicial Magistrate No.I, Tiruppur, has prepared this Criminal Revision Case wherein he prayed to set aside the order dated 08.04.2021 and to condone the delay of 485 days in filing the appeal as against the judgment dated 17.09.2018 passed by the learned Judicial Magistrate No.I, Tiruppur.

2. The petitioner is arrayed as an accused in C.C.No.606 of 2014. The case has been registered alleging that the petitioner committed the offences punishable under Sections 294(b) and 332 of IPC. After elaborate trial, the learned Judicial Magistrate No.I, Tiruppur, by judgment dated 17.09.2018



convicted the accused and sentenced to undergo one month Simple Imprisonment for the offence punishable under Section 294(b) of IPC and further convicted the accused and sentenced to undergo one year Rigorous Imprisonment for the offence punishable under Section 332 of IPC. Challenging the same, the petitioner is intended to file an appeal. But due to the reason that the said appeal has not been filed within a period of limitation, he has preferred Cr.M.P.No.874 of 2020 before the learned Principal Sessions Judge, Tiruppur.

3. The learned Principal Sessions Judge, Tiruppur, by order dated 29.03.2021 allowed the said petition with condition that the petitioner has to deposit Rs.2,000/- before the District Legal Services Authority, Tiruppur, on or before 07.04.2021. But the said condition has not been complied with. Hence, on 08.04.2021, the petition filed by the petitioner under Section 5 of Limitation Act, to condone the delay of 485 days in filing the appeal was dismissed by citing the reason as 'costs not paid'.

4. Challenging the same, the petitioner is before this Court with the present Criminal Revision Case.

5. Today, when this Revision Case is taken up for hearing, the learned counsel appearing for the revision petitioner would submit that, now, the petitioner has deposited Rs.2,000/- before the District Legal Services Authority, Tiruppur. He would further submit that since the petitioner herein preferred an appeal as against the order of conviction, it would necessary to consider the prayer sought for by the petitioner with leniently, by way of setting aside the said order and to condone the delay of 485 days in filing the appeal.

6. Now, on considering the said submissions with the relevant records, it is true that the petitioner has filed the appeal wherein he challenges the order of conviction. Further, as of now, the condition imposed by the learned Principal Sessions Judge, Tiruppur, has also been complied with. Being the reason that the appeal is against the order of conviction, if this Revision Case is dismissed, through which the petitioner loses the right to file an appeal. Accordingly, considering the facts and circumstances of the case, this Court is inclined to allow this Revision Case.

7. Resultantly, this Criminal Revision Case is allowed and the order dated 08.04.2021 passed by the learned Principal Sessions Judge, Tiruppur, is set aside. The delay of



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485 days in filing the appeal as against the judgment passed in C.C.No.606 of 2014 dated 17.09.2018, is condoned.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

sri

To

- 1.The Principal Sessions Judge,
Tiruppur.
- 2.The Judicial Magistrate No.I,
Tiruppur.
- 3.The Inspector of Police,
North Police Station,
Tiruppur, Tiruppur District.
- 4.The Public Prosecutor,
High Court, Madras.

Copy To

The Section Officer,
Criminal Section (Records)
High Court, Madras.

+1cc to Mr.R.Jayaprakash, Advocate SR.No.19660

Cr1.R.C.No.290 of 2022

BR(CO)
GMY(06/04/2022)