



Crl.M.P.No.3455 of 2020

Crl.M.P.No.3455 of 2020
in Crl.R.C.SR.No.10596 of 2020

WEB COPY

R.PONGIAPPAN, J.

This Miscellaneous petition is filed praying to condone the delay of 422 days in filing the Criminal Revision as against the conviction and sentence made in Crl.A.No.43 of 2018 dated 09.10.2018 on the file of II Additional District and Sessions Court, Chidambaram, modifying the judgment made in S.T.C.No.20 of 2016 dated 12.04.2018 by the learned Judicial Magistrate No.I, Chidambaram.

2. Heard, the learned counsel appearing on either side.

3. The petitioner is an accused in the above referred S.T.C.No.20 of 2016. The respondent herein filed a private complaint against this petitioner alleging that the petitioner has committed an offence under Section 138 of N.I. Act. Both the trial Court as well as the First Appellate Court came to the conclusion that the petitioner is found guilty under Section 138 of N.I. Act. Later, the petitioner could not prefer the appeal within a period of limitation. Therefore, he is before this Court with the present petition.



Crl.M.P.No.3455 of 2020

WEB COPY

4. Learned counsel appearing for the petitioner would contend that the petitioner is working as a Professor in Annamalai University. Due to transfer, he has not preferred the appeal immediately after the judgment was pronounced. However, he is ready to enter into compromise with the respondent.

5. Per contra, the learned counsel appearing for the respondent, vehemently opposed this petition, stating that even at the time of pronouncing judgment in the First Appellate Court, the petitioner has not appeared and therefore, the prayer sought for by the petitioner should not be entertained by passing a positive order.

6. Considering the submissions made by the learned counsel appearing on either side, one thing, which is necessary to understand in this petition is, the above petition has been filed to condone the delay in filing an appeal, which is against the order of conviction. Being the reason that the petitioner is having right to challenge his conviction, the petition filed by the petitioner is having more weight and also the period of delay, which



Crl.M.P.No.3455 of 2020

required to be condoned is not an abnormal one. Therefore, considering the facts and circumstances of the case, this Court is inclined to allow this petition, accordingly, the delay stands condoned and the petition is allowed.

24.03.2022

rsi

Note: Registry is directed to number the Revision, if it is otherwise in order.



WEB COPY



Crl.M.P.No.3455 of 2020

R.PONGIAPPAN, J.

rsi

Crl.M.P.No.3455 of 2020

in

Crl.R.C.SR.No.10596 of 2020

24.03.2022