



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.13722 of 2021
in
Crl.RC.SR.No.29680 of 2021

D.Muthulakshmi Devi ...Petitioner/ Defacto Complainant
Vs.

1.The State Rep. by
The Inspector of Police,
W-21, All Women Police Station,
Guindy, Chennai
(Crime No.1 of 2009) ...1st Respondent/ Complainant

2.D.Gowri Shankar ... 2nd Respondent/ Accused

PRAYER: Criminal Miscellaneous Petition filed under Section 5 of Limitation Act to condone the delay of 677 days in filing the criminal revision petition as against the judgment and order dated 07.02.2018 made in Crl.Appeal No.134 of 2014 by the learned VI Additional Sessions Judge, City Civil Court, Chennai in confirming the conviction and sentence passed in CC.No.4556 of 2009 on the file of the IX Metropolitan Magistrate Court, Saidapet dated 28.04.2014.

For Petitioner : Mr.S.Seenuvasan

For Respondents

For R1 : Mr.Leonard Arul Joseph Selvam,
Government Advocate(crl.side)

R2 : No appearance
Set exparte on 11.03.2022

O R D E R

The present petition has been filed to condone the delay of 677 days in filing the criminal revision as against the judgment and order dated 07.02.2018 made in CA.No.134 of 2014 on the file of the learned VI Additional Sessions Judge, City Civil Court, Chennai in confirming the conviction and sentence passed in CC.No.4556 of 2009 on the file of the learned IX Metropolitan



Magistrate Court, Saidapet dated 28.04.2014.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the first respondent. In respect to second respondent, as per the order of this Court dated 25.02.2022, paper publication is effected. The copy of the same has been produced before this Court. However, none appeared on behalf of the second respondent. Hence, the second respondent is set exparte.

3. In fact, the petitioner is intended to file this criminal revision for enhancement of sentence. In respect to the delay, in the affidavit filed in support of the petition, the petitioner would state that after pronouncing the judgment in CA.No.134 of 2014, she was admitted in the hospital with serious health problem and hospitalised for several months. Only due to the same, the petition mentioned revision has not been preferred within the time.

4. In otherwise, on going through the relevant records filed along with the petition, the petitioner has not produced any medical certificate in order to show her bonafide. Furthermore, the court below concurrently held that the second respondent herein found guilty for the offence under Sections 498(A), 406, 323 and 506(ii) of IPC. Further, the accused was awarded three years rigorous imprisonment as major punishment for offence under Section 498(A) of IPC. Therefore in the said circumstances, this Court do not find any merit in the petition filed by the petitioner as this is not a fit case for condoning the delay in filing the criminal revision, particularly for enhancing the sentence.

5. Accordingly, this criminal miscellaneous petition is dismissed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The VI Additional Sessions Judge,
City Civil Court,
Chennai



2.The IX Metropolitan Magistrate Court,
Saidapet, Chennai.

3.The Inspector of Police,
W-21, All Women Police Station,
Guindy, Chennai

4.The Public Prosecutor,
High Court of Madras

Copy To:

The Section Officer,
Criminal Section, High Court,
Madras-104.

+1cc to Mr.S.Seenuvasan, Advocate, S.R.No.17501

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NRJK(CO)
SB(22/03/2022)