



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Cr1.R.C. (MD)No.551 of 2020

C.Jeyaraj

... Revision
Petitioner/Petitioner

Vs.

1.The State,
Rep. through
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.259 of 2012)

...1st Respondent/Complainant

2.M.S.Murugan

...2nd Respondent/
Proposed Accused

Prayer: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records pertaining to the order dated 23.09.2019 made in Cr.M.P.No.507 of 2019 on the file of learned Principal Sessions Court, Dindigul and set aside the same and consequently direct the learned Principal Sessions of Court, Dindigul to accept the Criminal Revision Petition of the petitioner.

For Petitioners : Mr.M.Sheik Abdullah

For R1 : M/s.M.Aasha
Government Advocate
(Criminal Side)

For R2 : Mr.R.Sankar Ganesh

ORDER

The criminal revision case has been filed seeking to set aside the order passed by the learned Principal Sessions Court, Dindigul, in Cr.M.P.No.507 of 2019, dated 23.09.2019 and consequently direct the learned Principal Sessions Court, Dindigul to accept the criminal revision petition of the petitioner.

2.The petitioner had filed a petition seeking a direction under Section 156(3) of Cr.P.C on the file of the learned Judicial Magistrate, Nilakottai, Dindigul District and it was directed and forwarded under Section 156(3) of Cr.P.C to the first respondent. On receipt of the same, the first respondent registered the FIR in Crime No.259 of 2012 as against the three accused persons for the offences under Sections 420, 406, 464, 465 and 506(i) of IPC.



However, the first respondent failed to registered any case as against the second respondent after completion of the investigation, the first respondent had filed the final report. When the final report was pending before the trial Court, the petitioner filed a petition under Section 216 of Cr.P.C to add the second respondent also as an accused. However, it was dismissed by the learned Magistrate and aggrieved by the same, the petitioner preferred a revision with the delay of 1933 days.

3.On perusal of the affidavit filed in support of the condone delay petition revealed that the petitioner was suffering from Jaundice and he went to Kerala to take Country Treatment. Only on 10.02.2019, he came to know about the dismissal of his petition filed under Section 216 of Cr.P.C and as such, there was delay. The Court below rightly dismissed the petition since the petitioner failed to satisfy with the sufficient cause to condone the delay as huge delay of 1933 days.

4.Therefore, this Court finds no infirmity or illegality in the order passed by the learned Principal Sessions Court, Dindigul, in Cr.M.P.No.507 of 2019, dated 23.09.2019. Accordingly, the criminal revision case is dismissed. However, the petitioner is at liberty to invoke the provision under Section 216 and 319 of Cr.P.C before the trial Court, after examination of the witnesses.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

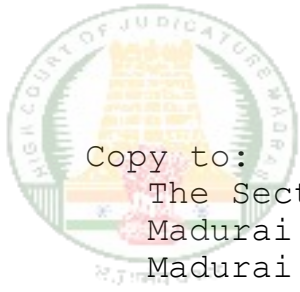
Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Sessions Judge,
Dindigul.

2.The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

3.The Additional Public Prosecutor,
Bench of Madras High Court,
Madurai.



Copy to:
The Section Officer,Criminal (Records) ,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 CC to M/s.R. SHANKAR GANESH, Advocate (SR-17343[F] dated
07/04/2022)

CrI.R.C. (MD) No.551 of 2020
07.04.2022

MGJ (22.04.2022) 3P 7C