



***CrI.R.C.(MD) No.767 of 2022***

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 16.08.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**CrI.R.C.(MD)No.767 of 2022**

**V.Malini**

**... Petitioner/Petitioner/Accused**

**Vs.**

**Kaliamoorthi**

**... Respondent/Respondent/Complainant**

**Prayer :** This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order passed by the learned Principal Sessions Judge, Thanjavur in Cr.M.P.No.3770 of 2022, dated 05.08.2022 and set aside the same.

**For Petitioner : Mr.T.A.Ebenezer**

### **ORDER**

This Criminal Revision Petition is directed against the order passed by the learned Principal Sessions Judge, Thanjavur in Cr.M.P.No.3770 of 2022, dated 05.08.2022, filed under Section 154 of Cr. P.C. and Section 5 of



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Limitation Act to condone the delay of 285 days in preferring the Criminal Appeal challenging the Judgment of Conviction passed in S.T.C.No.2501 of 2019, dated 08.09.2021 on the file of the learned Judicial Magistrate No.I, Kumbakonam.

2.The learned Magistrate, after enquiry, has passed the impugned order directing the petitioner to pay the cost of Rs.25,000/- to the respondent on or before 22.08.2022, failing which, the petition shall stand dismissed and posted the matter on 23.08.2022.

3.The learned counsel for the petitioner would submit that the petitioner is in custody from 07.07.2022 and that though the petitioner is ready to deposit the cost of Rs.25,000/- immediately, the learned Principal Sessions Judge, Thanjavur, has adjourned the matter by two weeks, vide order, dated 05.08.2022.

4.When the matter was taken up for hearing on 12.08.2022, this Court directed the petitioner's counsel to take notice to the learned counsel, who is appearing for the respondent before the trial Court.



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5. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that notice was served on the counsel appearing for the respondent before the trial Court. But there is no representation for the respondent.

6. Considering the above facts and circumstances of the case and also taking note of the limited prayer sought for by the petitioner and also the fact that the petitioner is in custody from 07.07.2022, this Court is inclined to modify the order to the effect that the petitioner shall pay Rs.25,000/- to the respondent on or before 17.08.2022, failing which, the petition for condoning the delay shall stand dismissed and the concerned Court is directed to take up the matter on 18.08.2022.

7. With the above modification, this Criminal Revision Petition is disposed of.

**16.08.2022**

Index : Yes/No

Internet : Yes/No

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**Note: Issue order copy on 16.08.2022.**



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**K.MURALI SHANKAR, J.**

sjj

To:-

- 1.The Principal Sessions Judge, Thanjavur
- 2.The Judicial Magistrate No.I, Kumbakonam.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

ORDER MADE IN  
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