



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of September Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.10549 of 2022
in
Crl.RC(MD) SR.No.22929 of 2022

CHRISTUDHAS

... PETITIONER/PETITIONER

Vs

ANDROSE

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Condone the Delay of 1715 Days in filling the above Crl.R.C.

PRAYER IN Crl.RC(MD) SR.No.22929 of 2022 :

Pleased to set aside the order dated 19.08.2015 of the learned Judicial Magistrate, Valliyoor, in Crl.M.P.No.8165 of 2015 on his file, directing the Sub-Inspector of Police, Koodankulam, Tirunelveli District, to register a case (F.I.R) on the petitioner's petition dated 18.08.2015 in the said Crl.M.P., investigate the same and the final report therein.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.THAMPI.K.N., Advocate for the petitioner and of M/S.K.RAMAPRABHA, Advocate on behalf of the Respondent, the court made the following order:-

This application has been filed to condone the delay of 1715 days in filing the above Criminal Revision against the order of dismissal, made in Crl.MP.No.8165 of 2015 on the file of learned Judicial Magistrate, Valliyoor.

2.Crl.MP.No.8165 of 2015 was filed by the petitioner under Section 156 (3) of Cr.P.C., seeking a direction to the respondent police to register a case. That petition came to be dismissed by the order, dated 19.08.2015.



3.The learned counsel for the petitioner would submit the petitioner is permanent resident of Kerala. He engaged an Advocate to look after the case. Thereafter, he requested one of his relatives to get a copy of the order. He intended to engage one Advocate from Kuzhithurai. Over which, there was delay. Later, it was told that the above said Lawyer also died. So, only after getting the knowledge about the death of the Advocate, he tried to take steps. But, after that, pandemic situation came. Since the petitioner is resident of Kerala, the above said delay is occurred. The occurrence said to have taken place due to the rash and negligence driving on the part of the accused person. Since he is in treatment, he is not in a position to prosecute OP.(MV)Nos.76 & 77 of 2016 before the Motor Accident Claims Tribunal, Neyyattinkara. So, on that ground, this petition is filed.

4.Mr.K.Ramaprabha, learned counsel appearing for the respondent stated that on payment of cost, the petition may be allowed.

5.Even though, there is enormous delay of 1715 days in preferring the revision, considering the fact that already petition was filed before the Motor Accident Claims Tribunal, Neyyattinkara, and the occurrence said to have took place because of the rash and negligence driving on the part of the accused person, I am of the considered view that the petitioner may be given an opportunity to prosecute the matter. So, on that sole ground, even though there is enormous delay, the petition is **allowed on payment of cost of Rs.2,000/- to the respondent within a week** from the date of receipt of copy of this order. **Cost memo must be filed on or before 10.10.2022.**

6.The Registry is directed to number the revision, if it is otherwise in order, and list on 10.10.2022.

sd/-
28/09/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
VALLIYOOR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3. THE SUB-INSPECTOR OF POLICE,
KODANKULAM,
TIRUNELVELI DISTRICT.

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THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.10549 of 2022

in

CrI.RC (MD) SR.No.22929 of 2022

Date :28/09/2022

dss

USK/GB/SAR- /03.10.2022/3P/5C