



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

Tuesday, the Twenty Ninth day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.9867 of 2021

IN

CRL RC(MD) No.182 of 2009

JAILANI ... PETITIONER/REVISION PETITIONER/ACCUSED

Vs

DILSATH BEGAM ... RESPONDENT/RESPONDENT/COMPLAINANT

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 512 days in filing the restoration petition against the order passed in Crl R.C(MD) No. 182 of 2009 on the file of this court

CRL RC(MD) No.182 of 2009:

To prefer this Memorandum of Grounds of Criminal Revision against the conviction and sentence passed by the learned Additional District and Sessions Judge(FTC), Dindigul in C.A.No.78 of 2008 dated 22.05.2009 confirming the conviction and sentence passed by the learned Judicial Magistrate No.3, Dindigul in C.C.No.135 of 2006 dated 27.11.2008 sentencing the petitioner to under go 6 months simple imprisonment and to pay a compensation of a sum of Rs.60,000/- (Rupees, Sixty Thousand only) with in two month in default to undergo 2 months simple imprisonment for the offence under sections 138 and 142 of Negotiable Instruments Act.

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.MOHAMMED ALI.K.M., Advocate for the petitioner and of Mr.C.M.ARUMUGAM, Advocate on behalf of the Respondent, the Court made the following order:-

The Criminal Miscellaneous Petition has been filed seeking order to condone the delay of 512 days in filing the restoration revision in Crl.R.C(MD)No.182 of 2009, which was dismissed for default on 13.09.2019.



2.The learned counsel for the petitioner would submit that the petitioner was not having knowledge about the death of the earlier counsel on record and that since there was no representation for the petitioner, the revision was ordered to be dismissed for default.

3.Mr.C.M.Arumugam, learned counsel has filed vakalat for the respondent and submitted that they are not having any objection to allow the petition.

4.Considering the above facts and circumstances, this Court is of the view that the petitioner should be given an opportunity to prosecute the revision and the delay occurred has to be condoned.

5.Accordingly, the petition will be allowed on payment of cost of Rs.5,000/- (Rupees Five Thousand only) to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040], on or before 11.04.2022, failing which, the petition shall stand dismissed.

6.Post the matter on 12.04.2022.

sd/-

29/03/2022

/ TRUE COPY /

/ /2022

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
(FAST TRACK COURT), DINDIGUL.

2 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.MOHAMMED ALI K.M. Advocate SR.No.15484

ORDER

IN

CRL MP(MD) No.9867 of 2021

IN

CRL RC(MD) No.182 of 2009

Date :29/03/2022