



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P. (MD) No.974 of 2017

in

Crl.R.C (MD) SR.No. 1896 of 2017

WEB COPY

C.Jeyaveeran

...Petitioner

Vs.

1.Puhalzenth

The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

2.P.J.Vijikumar,

The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

3. Karuppasamy Pandian,

The Sub Inspector of Police,
Uthamapalayam Police Station,
Theni District.

4. Rajaram,

The Inspector of Police(Retired),
Uthamapalayam Police Station,
Theni District.

5.Uma,

The Additional Superintendent of Police(Retired),
Karuvel Nayakkanpatti,
Theni District.

6.Jasmine Mumtaj,

The Inspector of Police,
District Crime Branch,
Theni District.

7.S.Ramalakshmi,

The Inspector of Police,
Uthamapalayam Police Station,
Uthamapalayam,
Theni District.

8. N.Rajendran,

The Inspector of Police,
Uthamapalayam Police Station,
Theni District.



9. Kalai Selvam,
The Special Sub Inspector of Police,
Uthamapalayam Police Station,
Theni District.

...Respondents

PRAYER in Crl.M.P(MD)No.974 of 2017: Criminal Miscellaneous Petition filed under Section 5 of Limitation Act, praying this Court to condone the delay of 108 days in filing the Revision Petition before this Hon'ble Court against the dismissal order passed by the Learned Judicial Magistrate, Uthamapalayam, Theni in Cr.M.P.No.5588 of 2016 dated 23.06.2016.

PRAYER In Crl.R.C.(MD)SR. No.1896 of 2017: This Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C. to call for the records pertaining to the impugned order of the Learned Judicial Magistrate, Uthamapalayam in Cr.M.P.No.5588 of 2016, dated 23.06.2016 and quash the same as illegal by allowing the instant criminal revision petition.

For Petitioner : Mr.K.Sivabalan

ORDER

The criminal miscellaneous petition has been filed to condone the delay of 108 days in filing the criminal revision case challenging the order passed by the learned Judicial Magistrate, Uthamapalayam, Theni in Cr.M.P.No.5588 of 2016, dated 23.06.2016, thereby, dismissed the private complaint filed by the petitioner. On perusal of the complaint and the averments made therein, no offence has been disclosed and the entire allegations are vague and bald as against the respondents.

2. Therefore, the Court below rightly dismissed the complaint and this Court finds no infirmity or illegality in the order passed by the Court below.

3. Further, on perusal of the affidavit filed in support of the condone delay petition, it is revealed that the Court below dismissed the complaint on 23.06.2016 and the copy application made on 24.06.2016. It was ready on 06.07.2016 and the same was delivered on the same day. However, the petitioner could not able to mobilise fund for filing the revision petition and suffered from viral fever. Therefore, he could not able to file the revision petition within a period of limitation, since the petitioner has no merit to maintain the revision petition and as such, this Court is not inclined to condone the delay of 108 days in filing the criminal revision case.



4.In view of the above, the criminal miscellaneous petition is dismissed. Consequently, the criminal revision case in Crl.R.C(MD) No.SR 1896 of 2017 is rejected in SR stage itself.

Sd/-

Assistant Registrar (A.D.II)

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/ /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 Judicial Magistrate, Uthamapalayam.
2. The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
3. The Sub Inspector of Police,
Uthamapalayam Police Station,
Theni District.
4. The Inspector of Police,
District Crime Branch,
Theni District.
5. The Special Sub Inspector of Police,
Uthamapalayam Police Station,
Theni District
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-9976[F] dated 04/03/2022)
Crl.M.P.(MD) No.974 of 2017
Crl.R.C(MD) .Sr.No.1896 of 2017
03.03.2022

RD(17.03.2022) 3P 8C