



Crl.R.C.No.405 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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K.Murthy

.. Petitioner

Versus

1. State rep. by Inspector of Police,
Gingee Police Station,
Gingee, Villupuram.
(Crime No.616 of 2006)

2. K.S.Masthan

3. Dhasthagir

4. Jahangir

5. Nazeer Ali

6. Soda Basha

.. Respondents

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records pertaining to the order in Cr.M.P.5369 of 2019 in Cr.M.P.No.1680 of 2019, dated 03.01.2020 passed by the learned Principal Sessions Judge, Villupuram and set aside the same.

For Petitioner : Mr.K.Moorthy, Party-in-person

**For Respondents : Mr.M.Babumuthumeeran,
Additional Public Prosecutor,
for R1**



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: Mr.M.Gnanasekar, RR-2, 4 to 6
: R3 - Died



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ORDER

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2. Heard the petitioner who appeared in person, Mr.M.Babumuthurmeeran, learned Additional Public Prosecutor and Mr.M.Gnanasekar, learned Counsel for the respondents 2, 4 to 6.

3. The petitioner gave a complaint against the accused persons on the ground that he was assaulted by the accused persons and was prevented from contesting as a Counsellor of the Gingee Municipality. This complaint resulted in a Final Report which was taken on file in C.C.No.500 of 2006. After trial, the case ended in acquittal by judgment, dated 18.02.2016.

4. The petitioner filed a Criminal Appeal against the acquittal of the accused persons and there was a delay of 1048 days in filing the appeal. Hence, the petitioner filed an application to condone the delay in C.M.P.No.1680 of 2019. This petition was dismissed for default on 16.07.2019.



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5. The petitioner filed C.M.P.No.5369 of 2019 to restore C.M.P.No.1680 of 2019.

6. The Court below took into consideration the exorbitant delay in filing the Criminal Appeal which was not properly explained by the petitioner. The Court also took into consideration the conduct of the petitioner in not prosecuting the petition in Crl.M.P.No.1680 of 2019. Hence, the Court below dismissed the restoration application by an order, dated 03.01.2020.

7. This Court does not find any illegality or infirmity in the order passed by the Court below. The accused persons have been acquitted by the Trial Court and if really the petitioner was aggrieved, he should have prosecuted the appeal with more vigilance. The petitioner files the appeal with exorbitant delay and the condone delay petition is also dismissed for non-prosecution and it clearly shows that the petitioner was not properly / vigilantly prosecuting the case. This is an incident which had taken place in the year 2006 and it is nearly 17 years since the incident took place and it is



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nearly 7 years since the judgment was passed by the Trial Court. Therefore, no useful purpose will be served in reviving the case which has now become a dead horse.

8. In the light of the above discussion, this Court does not find any ground to grant the relief sought for by the petitioner and accordingly, this Criminal Revision Case stands dismissed.

07.09.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Principal Sessions Judge,
Villupuram.
2. The Inspector of Police,
Gingee Police Station,
Gingee, Villupuram.
3. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.
grs

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