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Crl.M.P.No.3817 of 2023
in
Crl.RC.SR.No.12721 of 2023

V. SIVAGNANAM, J.

This petition is filed to condone the delay of 160 days in filing the revision by the petitioner against the judgment dated 29.06.2022 passed in Crl.A.No.57 of 2021, on the file of the Special Court for Trial of cases registered under SC/ST (POA), Act, Namakkal.

2.The learned counsel for the petitioner submitted that there is a delay of 160 days in filing the revision against the conviction order passed by the Special Court for Trial of cases registered under SC/ST (POA) Act, Namakkal in Crl.A.No.57 of 2021 dated 29.06.2022. He further submitted that the the petitioner was confined in jail and the counsel was not able to obtain the copy of the judgment immediately for preferring the revision. Hence, he seeks to condone the delay.



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3.The learned counsel for the respondent has filed a counter contending that the judgment was pronounced on 29.06.2022 and thereafter, the petitioner was absconded from the date of the appellate Court judgment till 22.02.2023. On 22.02.2023, the Police arrested the petitioner based upon the Non Bailable Warrant. Hence, he objected to condone the delay.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

5. On perusal of the records, it is seen that the respondent filed a complaint against the petitioner for the offence under Section 138 of N.I Act and the trial Court found guilty and convicted and sentenced the petitioner to undergo simple imprisonment for 2 years and to pay a compensation of Rs.20,00,000/-. The Appellate Court also concurred with the findings of the trial Court. Hence, the present revision is filed



against the conviction order.

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6.It is not disputed that the accused was absconded after the judgment of the appellate Court and he was arrested on 22.02.2023 on Non Bailable Warrant. Considering the nature of the case and conviction against the accused and also the reasons stated in the affidavit filed in support of this petition that the Advocate was not able to get the copy of the judgment to file the revision immediately, I am of the opinion that the delay in filing the revision is neither wilful nor wanton. Hence, in order to give a chance to the petitioner to contest the case in the revision, the delay of 160 days in filing the revision is condoned and accordingly, this petition is allowed.

28.03.2023

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Note: The Registry is directed to number the revision, if it is otherwise in order.

V. SIVAGNANAM, J.



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