



CrI.M.P.(MD) No.7766 of 2023 in
CrI.R.C.(MD) Sr.No.17352 of 2023

G.CHANDRASEKHARAN, J.

WEB COPY

This petition is filed to condone the delay of 129 days in filing the above criminal revision against the judgment dated 09.09.2022, passed in CrI.M.P.No.2338 of 2019 in C.C.No.237 of 2010, on the file of the Judicial Magistrate, Tiruchendur now transferred and pending on the file of the Judicial Magistrate No.I, Thoothukudi.

2.It is the submission of the learned counsel for the petitioner that the case in C.C.No.237 of 2010 is pending against the accused for the offences under Sections 294 (b), 148, 506 (ii), 323 r/w 149, 324 r/w 149 IPC. During the course of trial, PWs 1 to 3 were examined. On the basis of their evidence, investigating officer filed a petition under Section 319Cr.P.C. before the Judicial Magistrate, Tiruchendur, for adding the petitioner as an accused. In the said petition, without giving notice and an opportunity of hearing to the petitioner, the Judicial Magistrate, allowed the petition. Challenging the said petition, the revision petition in CrI.R.C.(MD) Sr.No.17352 of 2023 was filed along with CrI.M.P.(MD) No.7766 of 2023 for condoning the delay of 129 days in filing the revision petition. He further submitted that since the petitioner is not a party to the proceedings in Cr.M.P.No.2338 of 2019 in C.C.No.237 of 2010, he is not aware of the orders passed and that caused the delay. Once he got to know about the same, immediately he filed this petition.

G.CHANDRASEKHARAN, J.



sli

3.The learned Additional Public Prosecutor appearing for the first respondent opposed this petition. Mr.V.Vishnu takes notice for R2 to R5 and Mr.Calvin Jones takes notice for R6 to R9 and stated that they have no objection for condoning the delay.

4.Heard the learned counsel appearing for the parties. Considering the reasons stated for the delay in filing the criminal revision petition and the fact that the order in Cr.M.P.No.2338 of 2019 in C.C.No.237 of 2010 was passed without giving notice to the petitioner, this Court is of the view that the delay has to be condoned for giving the petitioner an opportunity to challenge the order passed in Cr.M.P.No.2338 of 2019 in C.C.No.237 of 2010.

5.In this view of the matter, this petition is allowed. Registry is directed to number the criminal revision, if it is in order and list the matter for hearing.

sli

15.06.2023