



Crl.R.C.(MD)No.377 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 23.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)No.377 of 2019
and
CrI.M.P.(MD) No.5610 of 2019

Chandrasekar

... Petitioner/Respondent/Accused
vs.

The Inspector of Factories
(Re- designated as Deputy Director of
Industrial Safety and Health)
Thoothukudi.
Through the Public Prosecutor,
Principal District and Sessions Judge,
Thoothukudi.

... Respondent/ Petitioner/Complainant

PRAYER : This Criminal Revision has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records in Cr.M.P.No.834 of 2018 in Unnumbered C.A. of 2019 on the file of the learned Principal Sessions Judge, Thoothukudi, and set aside the order passed dated 21.03.2019.

For Petitioner : Mr.B.Tamil Nidhi

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)



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ORDER

This Criminal Revision Petition has been filed as against the order passed in Cr.M.P.No.834 of 2018 in unnumbered criminal appeal, dated 21.03.2019 on the file of the learned Principal Sessions Judge, Thoothukudi and thereby allowed the petition to condone the delay of 1861 days in preferring the appeal against the acquittal.

2.It is seen that the respondent filed a private complaint against the petitioner for the charge under Order 41 Rule 61E of Factories Act. The trial Court found him not guilty and acquitted the petitioner herein. Aggrieved by the same, the respondent has preferred an appeal with a delay of 1861 days in filing the appeal.

3.A perusal of affidavit filed in support of the condone delay petition revealed that the Director of Industrial Safety and Health, Chennai sought an opinion from the State Public Prosecutor to file an appeal. After obtaining the opinion, the appeal has been preferred and due to which, there was a delay of 1861 days in preferring the appeal. The reasons stated in the affidavit accompanied in the condone petition



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are not satisfied to condone the huge delay of 1861 days. Without considering the same, the Court below mechanically allowed the condone delay petition.

4.Considering the above, this Court finds infirmity or illegality in the order passed by the Court below and the criminal revision case is liable to be set aside.

5.Accordingly, the order passed in Cr.M.P.No.834 of 2018 in unnumbered criminal appeal, dated 21.03.2019 by the learned Principal Sessions Judge, Thoothukudi, is set aside and the Criminal Revision Case is allowed. Consequently, connected miscellaneous petition is closed.

23.06.2023

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NCC : Yes/No

Index: Yes/No

Internet: Yes/No



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To

- 1.The Principal Sessions Judge, Thoothukudi.
- 2.The Inspector of Factories,
(Re- designated as Deputy Director of
Industrial Safety and Health)
Thoothukudi
Through the Public Prosecutor,
Principal District and Sessions Judge,
Thoothukudi.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN , J.

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