



Crl.M.P.(MD)No.7324 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 20.06.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P.(MD)No.7324 of 2023
in
Crl.R.C(MD)No.SR 16349 of 2023

U.Muthukrishnan

... Petitioner

Vs.

K.Karuppasamy

... Respondent

PRAYER in Crl.M.P(MD)No.7324 of 2023: Criminal Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 1003 days in filing the above Criminal Revision against the order passed in C.A.No.25 of 2017 on the file of the II Additional Sessions Court, Thoothukudi and confirming the judgment, dated 28.02.2017 passed in C.C.No.209 of 2014 on the file of the Fast Track Court (Magisterial Level) Thoothukudi, Thoothukudi District.

PRAYER in Crl.R.C(MD)No.SR 16349 of 2023 : Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C, to call for the records of the judgement dated 05.03.2018 passed in C.A.No.25 of 2017 on the file of the II Additional Sessions Court, Thoothukudi, Thoothukudi District



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confirming the judgment, dated 28.02.2017 passed in C.C.No.209 of 2014 on the file of the Fast Track Court (Magisterial Level) Thoothukudi, Thoothukudi District and set aside the same.

For Petitioner : Mr.S.Muthumalairaja

ORDER

This Criminal Miscellaneous Petition has been filed seeking orders to condone the delay of 1003 days in filing the above Criminal Revision against the order passed in C.A.No.25 of 2017 on the file of the II Additional Sessions Court, Thoothukudi, confirming the judgment, dated 28.02.2017 passed in C.C.No.209 of 2014 on the file of the Fast Track Court (Magisterial Level) Thoothukudi, Thoothukudi District.

2. When the matter was taken up for hearing on 12.06.2023, the learned counsel for the petitioner submitted that the petitioner is ready to deposit 50% of the cheque amount before the concerned Court.

3. When the matter is taken up for hearing today (i.e., 20.06.2023), the learned counsel for the petitioner would submit that the petitioner has



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not deposited the amount as agreed by him. In the affidavit filed in support of the delay condonation petition, it has been stated that as he was suffering from permanent disease, he has taken native treatment; that due to Covid-19 and also due to his illness, he could not able to contact the trial Court counsel and he could not able to collect the trial Court documents in time, that he approached the present counsel for filing revision along with trial Court counsel, but the said counsel did not file the revision in time and that since the petitioner wanted to settle the issue amicably and sufficient time for paying the entire amount may be given.

4. The petitioner has not stated any particulars about the disease, he was suffering and where and the period in which he had taken nativity treatment. Moreover, as already pointed out, after the judgement of the trial Court on 28.02.2017, he has preferred an appeal and the same was also ordered to be dismissed on 05.03.2018. The petitioner has not canvassed any other reason or explanation for the inordinate delay. Hence, this Court is not inclined to condone the delay.



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5. In the result, the Criminal Miscellaneous Petition is dismissed.

Consequently, the Criminal Revision is rejected at the SR stage itself.

20.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

- 1.The II Additional Sessions Judge,
Thoothukudi.
- 2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.M.P.(MD)No.7324 of 2023
in
CrI.R.C(MD)No.SR 16349 of 2023

Dated: 20.06.2023