



CRL MP(MD) No.7857 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Fourth day of September Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN
CRL MP(MD) No.7857 of 2023
in
CRL RC(MD)SR.No.20617 of 2023

K.GLORI

... PETITIONER/PETITIONER
/ APPELLANT/ACCUSED

Vs

JEYALAKSHMI

... RESPONDENT/RESPONDENT
/RESPONDENT/COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Condone the delay of 1976 days in preferring the above Revision Petition before this Honble Court as against order or conviction and sentence as imposed on the Petitioner by the Learned I-Additional District and Sessions Judge, Tirunelveli, Tirunelveli District made in C.A.No.60 of 2015 dated 10.12.2015 modifying the sentence and conviction as imposed by the Learned Judicial Magistrate, Valliyoor, Tirunelveli District dated 17.06.2015 made in C.C.No.120 of 2013, pending disposal of the above Criminal Revision Petition before this Hon'ble Court.

Prayer in CRL RC(MD)SR.No.20617 of 2023 :

To call for records and setting aside the order of the conviction and sentence as imposed on her along with a fine of Rs.4,02,000/- by the Learned Judicial Magistrate, Valliyour, Tirunelveli District dated 17.06.2015 made in C.C.No.120 of 2013 and subsequently as confirmed by the Learned I Additional District and Sessions Judge, Tirunelveli, Tirunelveli District dated 10.12.2015 made in C.A.No.60 of 2015 directing the Petitioner to undergo a sentence of one year Simple Imprisonment along with a compensation as modified to the tune of Rs.2,01,000/- from Rs.4,02,000/- in default she had to undergo one month Simple Imprisonment forthwith.

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PALANI VELAYUTHAM S, Advocate for the petitioner and of M/S.M.LAXMI

<https://www.mhc.th.gov.in/judis>



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MAHENDRAA, Advocate on behalf of the Respondent, the court made the following order:-

This petition is filed to condone the delay of 1976 days in preferring the above Revision.

2. The petitioner is the accused in C.C.No.120 of 2013 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District. The respondent/complainant initiated the proceedings against the petitioner under Section 138 of Negotiable Instrument Act, before the learned trial Judge and the learned trial Judge convicted the petitioner by the order dated 17.06.2015, and sentenced her to undergo 1 year Simple Imprisonment and ordered a sum of Rs.4,02,000/- compensation to the complainant and in default to undergo 1 moth Simple Imprisonment. Challenging the same, the petitioner filed an appeal in C.A.No.60 of 2015 before the learned 1st Additional District and Sessions Judge, Tirunelveli, Tirunelveli District. The learned Appellate Judge, by the order dated 10.12.2015, partly allowed the appeal by reducing the amount from Rs.4,02,000/- to Rs.2,01,000/- i.e., the original cheque amount.

3. Challenging the concurrent finding, the petitioner filed this revision with the delay of 1976 days.

4. According to the petitioner, the dismissal of the appeal by the learned

Appellate Judge was not informed to her by the counsel on record in time. When the



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jurisdiction police attempting to make arrest in the month of May 2023 only, she came to know about the above disposal of the appeal. Thereafter, she obtained the certified copy of the appeal and filed this revision with the delay of 1976 days.

5. The learned counsel for the petitioner submitted that there is reasonable grounds to agitate before this Court in the Revision. The petitioner is aged about 50 years and she is a woman. Without any relationship with the defacto complainant, a false complaint has been lodged against her. He further submitted that the disposal of the appeal was not informed to the petitioner by the counsel on record in time. Hence, he prays for condone the delay of 1976 days in preferring the Revision.

6. The learned counsel for the respondent submitted that the reasoning assigned by the petitioner is not bona fide. It is the duty of the petitioner to watch over the case. Without watching over the case, she filed the present Revision with the allegation against the counsel on record is not acceptable one. Hence, he prays for dismissal of the present petition.

7. This Court considering the rival submission on the side of the petitioner and the respondent and also perused the records.

8. The petitioner's specific plea that she has not aware of the disposal of the appeal is seems to be accepted on the reason that in the case of the appeal against conviction, the learned Appellate Court only hearing the argument, dispose the



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appeal without the presence of the parties. Therefore, this Court is inclined to accept the reason that the petitioner, who is 50 years old lady without legal knowledge, only after receipt of the information from the jurisdictional police about the dismissal of the appeal, filed this Revision with the delay. Even though, the delay is huge, the reason assigned by the petitioner is bona fide. In addition to that, the learned counsel for the petitioner raised the plea that the petitioner never borrowed any amount from the complainant and there was no relationship between herself and the complainant. Further, the petitioner also examined the defence witness in order to prove her case. The same was not properly considered by the Courts below. Therefore, prima facie case has been made out in this case. Hence, this Court in the interest of justice, giving opportunities to the petitioner, inclined to allow this petition with the following condition:-

(i) The petitioner is directed to deposit the entire cheque amount of Rs.2,01,000/- (Rupees Two Lakhs and One Thousand Only) to the credit of C.C.No.120 of 2013 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District within a period of 3 weeks from today.

(ii) Further, the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the respondent within a period of 3 weeks on or before 22.09.2023.



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9. For reporting compliance, post this matter on 25.09.2023.

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sd/-
04/09/2023

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07/09/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI, TIRUNELVELI DISTRICT.

2 THE JUDICIAL MAGISTRATE, VALLIYOOR,
TIRUNELVELI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

ORDER IN
CRL MP(MD) No.7857 of 2023
in
CRL RC(MD)SR.No.20617 of 2023
Date :04/09/2023

RS/DD/SAR-(07.09.2023) 5P 4C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023