



CRL MP(MD) No.10976 of 2023

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

Tuesday, the Nineteenth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.10976 of 2023

IN

CRL RC(MD)SR.No. 27564 of 2023

S.ARUNKUMAR

... PETITIONER/REVISION PETITIONER

Vs

**(*)1 THE SUPERINTENDENT OF POLICE
VIRUDHUNAGAR DISTRICT,
VIRUDHUNAGAR.**

**2 THE DEPUTY SUPERINTENDENT OF POLICE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.**

**3 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.**

4 SURESH KANNAN

5 NAGASHANKAR

6 PARTHIBAN

7 SREEKUMAR SHANKAR PILLAI ... RESPONDENTS 1 to 7

**(*)(RESPONDENTS 1 TO 7 AMENDED AS PER ORDER OF THE COURT DATED
10/08/2023 IN CRL MP(MD)No. 11515 of 2023 in CRL MP(MD)No. 10976 of 2023 in
CRL RC(MD)SR.No. 27564 of 2023 by KKRKJ).**

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CRL MP(MD) No.10976 of 2023

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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 415 days in filing the present criminal revision in CrI.M.P No.3632/2021 dated 04.08.2021 on the file of the Learned Judicial Magistrate, Rajapalayam.

PRAYER IN CRL RC(MD)SR.No. 27564 of 2023:

To call for the records and set aside the order dated 04.08.2021 in Cr.M.P.No. 3632 of 2021 on the file of the Learned Judicial Magistrate, Rajapalayam and allow the Criminal Revision Petition.

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 PRASANNA VINOTH.B, Advocate for the petitioner and of MR.M.MUTHUMANIKKAN, Government Advocate (Criminal Side) on behalf of the Respondents 1 to 3 and the 4th Respondent not appearing either in person or by an advocate and of MR.K.SIVABALAN, Advocate for the 5th Respondent and of MR.R.ANAND, Advocate for the 6th Respondent, the court made the following order:-

This petition is filed to condone the delay of 415 days in filing the above Revision.

2.The petitioner is the defaco complainant. According to the petitioner, with some allegation of forgery, he made a complaint before the jurisdictional police on 25.11.2019. Since there was no action on the complaint, he sent a representation to the second respondent namely, the Inspector of General of Police, South Zone, Madurai, on 10.02.2020. Since there was no steps on the representation, again he sent a representation to the first respondent namely, the Director General of Police,

Chennai, on 27.08.2020. But, there was no action on the complaint. Hence, he filed a

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CRL MP(MD) No.10976 of 2023

private complaint before the learned Judicial Magistrate, Rajapalayam, under Section 156(3) of Cr.P.C., for registration of complaint against the accused and the same was taken on file in Cr.M.P.No.3632 of 2021. By the impugned order dated 04.08.2021, the learned trial Judge dismissed the said petition. Challenging the same, the petitioner filed this Revision with the delay of 415 days.

3.In the affidavit, the petitioner stated the following reason for the aforesaid delay:-

“4.I further humbly submit that I received the copy of the Cr.M.P. Order only on 03.11.2022 and I had also filed Writ Petition for taking disciplinary action against the officials, hence immediately I did not file the present criminal revision petition. In the meanwhile, there was a delay of 415 days occurred for filing this criminal revision. The delay is neither willful nor wanton. If the delay was not condoned, I will be put to irreparable loss and hardship.”

4. The respondents 5 and 6 have also filed counter stating that the petitioner has knowledge about the dismissal of the order dated 04.08.2021. It was known from the aforesaid paragraph 4 of the affidavit filed by the petitioner. The requirement of law



CRL MP(MD) No.10976 of 2023

is that each day the delay must be explained. But, there is no explanation for the delay. As per the law laid down by the Hon'ble Supreme Court, sufficient reasons have not been furnished by the petitioner in paragraph 4 of the affidavit. So, he seeks for dismissal of this petition.

5. This Court considering the rival submission of both sides and perused the records.

6. It is seen that the learned trial Judge passed the impugned order on 04.08.2021. As per the affidavit, the petitioner applied for copy application only on 03.11.2022 after a lapse of more than 1 year and 5 months. There was no explanation for the delay between the period of order passed by the learned trial Judge i.e., 04.08.2021 and applied the application for certified copy i.e., 03.11.2022. Even from the date of obtainment of certified copy, no acceptable reasons were furnished by the petitioner to file this Revision with the delay. Since no averment was made in the affidavit for allowing this petition, this Court is not inclined to entertain this petition.

7. Accordingly, this Criminal Miscellaneous petition is dismissed.

sd/-
19/09/2023

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/10/2023

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



CRL MP(MD) No.10976 of 2023

DAS
TO

- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE SUPERINTENDENT OF POLICE
VIRUDHUNAGAR DISTRICT,VIRUDHUNAGAR.
- 5 THE DEPUTY SUPERINTENDENT OF POLICE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 6 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL MP(MD) No.10976 of 2023

IN

CRL RC(MD)SR.No. 27564 of 2023

Date :19/09/2023

PKP/MGA/SAR- /05.10.2023/ 5P/8C

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