



Crl.R.C(MD)No.294 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.294 of 2018

Rajaram

... Petitioner/Petitioner

Vs.

1.State rep., by
The Public Prosecutor,
Nagercoil, Kanyakumari District.

2.Jesintha

... Respondents/Respondents

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to set aside the order in Crl.M.P.No. 3851 of 2016 on the file of Sessions Court, Kanyakumari @ Nagercoil, dated 01.03.2018 and allow the criminal revision petition.

For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.K.Sanjai Gandhi (for R1)
Government Advocate (Crl.side)
Mr.S.Palanivelayutham (for R2)



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ORDER

This revision has been filed as against the order passed in Crl.M.P.No.3851 of 2016 on the file of Sessions Court, Kanyakumari @ Nagercoil, dated 01.03.2018, thereby dismissed the petition to condone the delay of 351 days in filing the appeal.

2. The petitioner is an accused. On the complaint lodged by the second respondent for the offence punishable under Section 138 of Negotiable Instruments Act, the trial Court found the petitioner guilty for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced him to undergo six months of Simple Imprisonment and also pay a compensation of Rs.4,00,000/-, in default to undergo one month of Simple Imprisonment. Aggrieved by the same, the petitioner preferred an appeal with the delay of 351 days in filing the appeal. In the affidavit filed in support of the condone delay petition, it is stated that he was taking Siddha treatment and had taken bed rest. Therefore, he could not able to file appeal in time. The second respondent filed counter and vehemently



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opposed to condone the delay petition on the ground that the petitioner caused accident on 15.09.2016 while he was driving his van bearing Registration No.TN 70C 8245 and dashed against the person, who drove the two wheeler and the said person died on the spot. The petitioner was arrested and remanded to judicial custody in Crime No.206 of 2016. Therefore, he filed a false affidavit in order to condone the delay of 351 days. Considering the above facts and circumstances, the Court below dismissed the petition for condoning delay of 351 days in filing the appeal.

3. However, the learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit the entire compensation amount.

4. Considering the said submission, the order passed in Crl.M.P.No.3851 of 2016 on the file of the Sessions Court, Kanyakumari District at Nagercoil, is hereby set aside on condition that the petitioner shall deposit the entire compensation amount of Rs.4,00,000/- on or before **12.06.2023** to the credit of C.C.No.102 of 2013 on the file of the learned Judicial Magistrate (Fast Track Court) No.I, Nagercoil. If the petitioner fails to deposit the compensation



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amount within time, the order passed by the First Appellate Court is hereby restored without reference to this Court and the respondents are at liberty to take appropriate steps to secure the petitioner to serve his sentence period.

4. With the above observation, the Criminal Revision Case is allowed.

28.04.2023

NCC : Yes/No
Index : Yes/No
rmk

To

1.The Judge, Sessions Court, Kanyakumari @ Nagercoil.

2.The Public Prosecutor,
Nagercoil, Kanyakumari District.

3.The Judicial Magistrate (Fast Track Court) No.1,
Nagercoil.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.

rmk

Order made in
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28.04.2023