



Crl.O.P.(MD).No.16594 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.16594 of 2023
and Crl.M.P.(MD).Nos.13215 & 13216 of 2023

Manickam

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thirumangalam Sub-Division,
Madurai District.

2.The Inspector of Police
Thirumangalam Taluk Police Station,
Madurai District.
Crime No.153 of 2014

3.Karthick Raja

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the impugned order made in Cr.M.P.No.6528/2022 dt.15/12/2022 on the file of the Learned Judicial Magistrate, Thirumangalam, Madurai District and set aside the same as illegal.

For Petitioner : Mr.T.Veerakumar

For R1 & R2 : Mr.M.Vaikkam Karunanithi
Government Advocate
(Crl.side)



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ORDER

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This petition has been filed to set aside the impugned order made in Cr.M.P.No.6528/2022 dt.15/12/2022 on the file of the Learned Judicial Magistrate, Thirumangalam, Madurai District.

2.The petitioner is the sole accused in this case. The FIR in Crime No.153 of 2014 was registered against him for the offence punishable under Section 304(A) of IPC. The learned counsel for the petitioner would submit that the offence is of the year 2014. The date of occurrence is 27.07.2014. But after lapse of limitation, final report was presented before the trial Court on 13.12.2022 along with delay condonation application by the Investigating Officer. It was also allowed by the order, dated 15.12.2022, even without going into the merits of the delay. It is the grievance of the petitioner that over the above said occurrence MCOP was filed by the legal heirs of the deceased. Compensation was also ordered.

4.In view of the above said, the delay condonation order passed by the trial Court is *per se* illegal, since it is not reflected any reason for



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condoning the delay.

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5.On that ground, the impugned order made in Cr.M.P.No. 6528/2022 dt.15/12/2022 on the file of the Learned Judicial Magistrate, Thirumangalam, Madurai District, is hereby set aside and the C.C.No. 1203 of 2022 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District, is hereby quashed. Accordingly, this petition is allowed. Consequently, connected miscellaneous petitions are closed.

30.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Judicial Magistrate, Thirumangalam, Madurai District.
- 2.The Deputy Superintendent of Police,
Thirumangalam Sub-Division,
Madurai District.
- 3.The Inspector of Police
Thirumangalam Taluk Police Station,
Madurai District.
Crime No.153 of 2014

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

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G.ILANGOVAN,J.

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