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Crl.R.C.No.307 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.307 of 2024
and Crl.MP No.2870 of 2024

1.Mr.N.Prasanna
2.Mr.D.Nadikannu
3.Mrs.Devika Rani

...

Petitioners / Respondents

Vs.

Mrs.P.Kalaiselvi

...

Respondent / Appellant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 08.01.2024 passed in Crl.M.P.No.389 of 2022 in Crl.A.No.... of 2023 by the learned Principal District Judge, Dharmapuri.

For Petitioners : Mr.S.Balasubramaniam

For Respondent : Mr.R.Thamaraiselvan

ORDER

This Criminal Revision Petition has been filed challenging the order allowing the petition to condone the delay of 99 days filed by the respondent



herein in preferring the appeal challenging the order passed in Domestic Violence proceedings, Dharmapuri.

2. The learned counsel appearing for the petitioners would submit that the learned Magistrate, after holding that the respondent had not established domestic violence, had directed the petitioners to pay compensation to the respondent. The petitioners therefore filed an appeal before the Principal District Judge, Dharmapuri and the respondent filed vakalat and participated in the said proceedings and chose not to file an appeal against the order holding that no domestic violence was committed by the petitioners. However, as an after thought, she filed an appeal with a delay of 99 days by making false averments in the affidavit which has not been substantiated and that the learned Judge had erroneously accepted the reasons which is contrary to the medical records produced by the respondent herself.

3. The learned counsel appearing for the respondent, per contra submitted that merely because she had participated in the appeal filed by the petitioners, it cannot be said that the reason assigned by the respondent for the delay in filing her appeal is not genuine and that she had filed medical



records to show that her mother was admitted to the hospital on 26.09.2022 and discharged on 03.10.2022 and she had also suffered due to an illness.

4. Heard the learned counsel appearing for the petitioners as well as respondent and perused the materials on record.

5. Admittedly, the appeal has been filed by the respondent with a delay of 99 days. Though the learned Judge may not be right in holding that a surgery was conducted for the mother of the respondent, the fact that the mother of the respondent was in hospital cannot be disputed. It is well settled that the courts have to do substantive justice and petitions for condonation of delay has to be considered liberally.

6. Considering the reasons stated therein by the petitioner and the other reasons assigned by the courts below, this Court finds no infirmity in condoning the delay of 99 days on the petition filed by the respondent herein. However, the learned Principal District Judge shall decide both the appeals within the time frame and in any event, within a period of three (3) months from the date of receipt of a copy of this order.



Crl.R.C.No.307 of 2024

WEB COPY 7. With the above observations, this **Criminal Revision Case** is **disposed of**. Consequently, connected Criminal Miscellaneous Petition is closed.

08.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
rgr

To

1. The Judicial Magistrate,
Harur, Dharmapuri
2. The Principal District Judge,
Dharmapuri.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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