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Crl.M.P.No.11795 of 2024 in Crl.R.C.SR.No.39661 of 2024

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M.NIRMAL KUMAR, J.

The petitioner was convicted by the learned Judicial Magistrate, Arani in C.C.No.239 of 2011 *vide* judgment, dated 05.01.2015 and sentenced to undergo two years Rigorous Imprisonment and to pay a fine of Rs.5,000/-, in default to undergo three months Simple Imprisonment. Challenging the same, the petitioner preferred an appeal before the learned Additional District Judge, Arani in Crl.A.No.2 of 2015. Due to no representation on the side of the petitioner, the appeal was dismissed *vide* judgment, dated 22.09.2021. Challenging the same, the present criminal revision case is filed with a delay of 795 days.

2.The learned counsel for the petitioner submitted that compromise arrived between the petitioner and the 2nd respondent/defacto complainant and issues settled amicably. As per the compromise entered on 09.08.2015, a sum of Rs.2,50,000/- was handed over and balance Rs.1,00,000/- has to be handed over within a short period, but for some reason it could not be paid.



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In the meantime, the 1st respondent Police took steps to secure the petitioner for sufferance of the sentence, hence the petitioner preferred the present revision with a delay of 795 days.

3.The learned Additional Public Prosecutor appearing for the 1st respondent Police filed counter submitting that the petitioner is evading the execution of warrant and with great difficulty, the petitioner was identified. When he was about to be secured, he was escaped and later filed the revision before this Court. He further submitted that the petitioner's cruelty and harassment to the 2nd respondent confirmed by the Trial Court on the evidence and materials available.

4.Today, the 2nd respondent/defacto complainant present before this Court and she is ready to receive the balance amount of Rs.1,00,000/- and on receipt of the same, she would give no objection for withdrawing the complaint against the petitioner.



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5.In view of the above, this Court condones the delay of 795 days in preferring the criminal revision case. Accordingly, this criminal miscellaneous petition is ordered.

04.10.2024

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Note: Registry is directed to number the Civil Revision Petition, if it is otherwise in order and post the same 'For Admission' on 17.10.2024 at 02.30 p.m in Chamber.



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