



CRL MP(MD) No.732 of 2024

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

Wednesday, the Twenty Eighth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.732 of 2024
in
CRL A(MD) SR No.1803 of 2024

RAMASAMY

... Petitioner / Appellant

Vs

SUBRAMANIYAN

... Respondent / Respondent

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 390 days in filing the above Criminal Appeal as against the judgment made in C.A No.37/2019 on the file of the Principal District and Sessions Court, Sivagangai dt.19.10.2022 by reversing the judgment of conviction and sentence made in C.C.No.285 of 2017 by the Judicial Magistrate (Fast Track Court), Karaikudi dated 27.03.2019.

Prayer in CRL A(MD) SR No.1803 of 2024:

To call for the records and set aside the order made in C.A.No.37 of 2019 by the Principal District Sessions Court, Sivagangai, dated 19.10.2022 acquitting the respondent by reversing the judgment of conviction and sentence made in C.C.No.285 of 2017 by the Judicial Magistrate (Fast Track Court), Karaikudi dated 27.03.2019.

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 D.VENKATESH, Advocate for the petitioner and of Mr.A.SHEIK NASURDEEN,



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on behalf of the Respondent, the Court made the following order:-

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This Criminal Miscellaneous Petition is filed to condone the delay of 390 days in filing the above said criminal appeal as against the judgment made in CA No.37 of 2019 on the file of the Principal District and Sessions Court, Sivagangai, dated 19/10/2022, reversing the judgment of conviction and sentence made in CC No.285 of 2017 by the Judicial Magistrate (Fast Track Court), Karaikudi, dated 27/03/2019.

2.The facts in brief:-

The petitioner herein filed a private complaint against the respondent herein for punishing him under section 138 of the Negotiable Instruments Act. The trial court convicted the respondent herein under section 138 of the Negotiable Instruments Act and sentenced him to undergo 6 months of SI and fine of Rs.4,50,000/- was imposed.

3.Against which, the respondent filed appeal before the appellate court namely Principal District and Sessions Judge, Sivagangai in C.A No.37 of 2019. It reversed the finding of the trial court and acquitted the respondent herein.

4.Against which, this Appeal Memorandum is filed by the petitioner.

5.Filing the appeal, there is a delay of 390 days. But the learned counsel appearing for the petitioner would submit that the reasons assigned by him in the affidavit are genuine in nature; The order of acquittal was passed on 19/10/2022;



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He filed copy application on 27/10/2022; The copy was made ready on 10/11/2022;

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Since he was not in a position to mobilise the fund to prefer appeal, there is a delay of 390 days.

6.A detailed counter is filed by the respondent stating that only to harass him, this petition is filed without any sufficient reasons; Only vague reason is assigned and not proper and acceptable reason is assigned.

7.As mentioned above, a simple reason has been raised stating that he is not in a position to mobilize the fund to prefer appeal. Such a ground is not acceptable. When the petitioner says that he was capable of lending Rs.4,00,000/- to the respondent herein, at the same time saying that he was not able to mobilize the fund to prefer appeal is not at all acceptable.

8.In the result, these miscellaneous petition is dismissed.

sd/-
28/08/2024

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/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To தலைவர் அவர்கள்

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1.The Principal District Sessions Judge,
Sivagangai.

2.The Judicial Magistrate,
Fast Track Court, Karaikudi.

3.Do through the Chief Judicial Magistrate,
Sivagangai District.

ORDER

IN

CRL MP(MD) No.732 of 2024

in

CRL A(MD) SR No.1803 of 2024

Date :28/08/2024

ED/ VR /SAR- (05/09/2024) 4P / 4C

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