



Crl.M.P.(MD)No.5465 of 2024

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

Wednesday, the Sixth day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

Crl.M.P.(MD)No.5465 of 2024

in

Crl.R.C.(MD)SR.No.15799 of 2024

MURUGAN

... PETITIONER/PETITIONER

Vs

MUTHAIAH

... 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 684 days in filing the above Criminal Revision Petition.

Prayer in Crl.R.C.(MD)SR.No.15799 of 2024:

To call for the records and set aside the judgment passed in CRL A No.28 of 2020 dated 29.03.2022, on the file of the 1st Additional District and Sessions Court, Tirunelveli confirming the Judgment passed in C.C.No.136 of 2014 dated 24.04.2019, on the file of Judicial Magistrate, Valliyoor, by allowing this Criminal Revision Petition.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ALWIN BALAN.P.P, Advocate for the petitioner and of MR.R.R.KANNAN, Advocate on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to condone the delay of 684 days in filing the Criminal Revision Case in Crl.R.C.(MD)SR No.15799 of 2024.



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2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The learned counsel for the petitioner would submit that the appeal filed by the petitioner/accused in Crl.A.No.28 of 2020 on the file of the learned Sessions Judge, Tirunelveli was dismissed for default on 29.03.2022, but the same was not communicated to the petitioner by the learned counsel, who appears for the petitioner in the trial Court. For this sole reason only, there was a delay of 684 days in filing the Criminal Revision Case and the same may be condoned.

4. The learned counsel for the respondent would submit that the petitioner is only dragging on the matter, and that if this petition is allowed, some heavy cost may be imposed on the petitioner.

5. Being satisfied with the reasons stated in the affidavit filed in support of this petition, and also considering the submission made by the learned counsel for the respondent, this Court is inclined to allow this petition on payment of cost.

Accordingly, this petition will be allowed on payment of cost of Rs.5000/- (Rupees



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Five Thousand only) to the respondent on or before 20.11.2024.

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6. List the matter on 21.11.2024 under the caption “for reporting compliance”.

sd/-
06/11/2024

/ TRUE COPY /

/11/2024

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

mkn

TO

1.THE 1ST ADDITIONAL DISTRICT AND SESSIONS JUDGE, TIRUNELVELI

2.THE JUDICIAL MAGISTRATE, VALLIYOOR

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

ORDER

IN

Crl.M.P.(MD)No.5465 of 2024

in

Crl.R.C.(MD)SR.No.15799 of 2024

Date :06/11/2024

RK/VR (18/11/2024) 3P / 4C

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