



Crl.M.P.(MD)No.5466 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.5466 of 2024

in

Crl.R.C.(MD)SR.No.15803 of 2024

MATHAN

... 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.15803 of 2024

To call for the records and set-aside the judgement passed in Crl.A.No.27 of 2020 dated 29-03-2022, on the file of the 1st Additional District and Sessions Court, Tirunelveli confirming the judgement passed in C.C.No.137 of 2024 dated 24.04.2019, on the file of Judicial Magistrate, Valliyoor, by allowing this Criminal revision petition.

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 M/S.ALWIN BALAN.P.P., Advocate for the petitioner and of Mr.R.R.KANNAN, on behalf of the Respondents the Court made the following order:-

<https://www.mhc.tn.gov.in/judis>



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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.15803 of 2024.

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 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

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/ 11 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

TO

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

2. THE JUDICIAL MAGISTRATE, VALLIYOOR.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.M.P.(MD)No.5466 of 2024
in
Crl.R.C.(MD)SR.No.15803 of 2024
Date :06/11/2024

PSP/ GSV /SAR /20.11.2024/ 3P/ 3C

Madurai Bench of Madras High Court is issuing certified
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