



Crl.M.P.(MD).No.12783 of 2023

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

Thursday, the Fourth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

Crl.M.P.(MD).No.12783 of 2023
in
Crl.RC.(MD).SR.No.27534 of 2023

S.P.R DHAMODHARAN

... PETITIONER/RESPONDENT/ACCUSED

Vs

R.RAMASAMY

REPRESENTED THROUGH HIS POWER

AGENT ANGUSAMY.

... RESPONDENT/APPELLANT/COMPLAINANT

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 657 days in preferring the Criminal Revision petition before this Honble Court as against the Judgement delivered by the learned I Additional District Sessions Judge, Thoothukudi in CA No.120/2017 vide judgement dt.29/8/2019 filed as against the acquittal judgment passed by the learned Fast Track Court,(Magisterial Level),Kovilpatti, Thoothukudi in C.C.No.36 of 2012 vide judgment dated 27.12.2012.

Prayer in Crl.RC.(MD).SR.No.27534 of 2023:

To call for the entire records pertaining to the judgment rendered by the I Additional District Sessions Judge, Thoothukudi in C.A.No.120 of 2017 vide judgment dated 29.08.2019 filed as against the acquittal judgment passed by the learned Fast Track Court,(Magisterial Level), Kovilpatti, Thoothukudi in C.C.No.36 of 2012 vide judgment dated 27.12.2012 and set aside the same and thereby acquit the petitioner from the charge leveled in the said case honorably.



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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.ANAND R, Advocate for the petitioner in all cases and of MR.R.PON KARTHIKEYAN, Advocate on behalf of the Respondent in all cases, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to condone the delay of 657 days in filing the Criminal Revision against the judgement passed by the learned I Additional District and Sessions Judge, Thoothukudi, in C.A.No.120 of 2017, dated 29.08.2019 filed as against the acquittal judgment passed by the Fast Track Court, (Magisterial Level), Kovilpatti, Thoothukudi, in C.C.No.36 of 2012, dated 27.12.2012.

2.The petitioner preferred a complaint under 138 of Negotiable Instruments Act, against the respondent, before the Fast Track Court, (Magisterial level), Kovilpatti, Thoothukudi, for his alleged act of dishonored cheque issued by him to discharge the debt amount of Rs.5,00,000/- and the same was taken on file in C.C.No.36 of 2012 by the Fast Track Court, (Magisterial Level), Kovilpatti, Thoothukudi. The learned trial judge after conducting the elaborate trial acquitted the respondent on the ground that there was no legally enforceable debt by passing the impugned order dated 27.12.2012.



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3. Against which, the respondent/complainant filed appeal in C.A.No.120 of 2017 on the file of the I Additional District and Sessions Judge, Thoothukudi. The learned I Additional District and Sessions Judge, Thoothukudi, convicted the petitioner under Section 138 of NI Act, and sentenced him to undergo six months simple imprisonment and pay the cheque the amount of Rs.5,00,000/- as compensation within a period of two months from the date of judgement. Challenging the same, the petitioner filed this Criminal revision with delay of 657 days. In the affidavit, it is stated that he is continuously suffering from jaundice. Thereafter, after partial recovery, due to financial constraint, he is unable to contact his lower Court counsel. Further, due to COVID-19 lock down and his ill health, he is unable to file this revision before this Court within time. Hence, he seeks for condonation of delay of 657 days in filing the Criminal Revision.

4. The learned counsel for the petitioner reiterated the above reasons stated in the affidavit and hence, he has prima facie case in succeeding the above revision and hence, in the interest of justice, he requested this Court to condone the delay.

5. The learned counsel for the respondent without filing the counter objected to condone the delay of 657 days.



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6.This Court perused the record and the reasons stated in the affidavit filed in support of the condone delay petition.

7.It is the specific case of the petitioner that he is continuously suffering from jaundice. Thereafter, after partial recovery, due to financial constraint, he is unable to contact his lower Court counsel. Further, due to COVID-19 lock down and his ill health, he is unable to file this revision before this Court within time. The said reasons are bona fide and the respondent has not adduced any contra evidence. This Court finds no willful negligence on the part of the petitioner in filing this revision with the delay. Therefore, this Court satisfies with the above bona fide reasons and condones the delay in filing the above revision in order to render the decision on merits.

8.In view of the special circumstances of the case, this Court inclined to condone the delay with imposing the cost of Rs.8,500/- (Rupees Eight Thousand and Five Hundred Only) to the respondent within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition stands dismissed automatically without further reference to this Court.



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9. Accordingly, this petition is allowed. List this case on 18.06.2024 for "reporting compliance".

sd/-
04/04/2024

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/06/2024

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

vsg

TO

1. THE I ADDITIONAL DISTRICT SESSIONS JUDGE, THOOTHUKUDI
2. THE JUDGE, FAST TRACK COURT, (MAGISTERIAL LEVEL),
KOVILPATTI, THOOTHUKUDI
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

ORDER
IN
Crl.M.P.(MD).No.12783 of 2023
in
Crl.RC.(MD).SR.No.27534 of 2023
Date :04/04/2024

RK/VR (07/06/2024) 5P / 4C

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