



CRL MP(MD) No.13588 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

CrI.M.P.(MD).No.13588 of 2023

in

CrI.RC.(MD).SR.No.34056 of 2023

A.RAJASEKAR

... PETITIONER/PETITIONER

Vs

1 MURUGAYI

2 THE DEPUTY SUPERINTENDENT OF POLICE,
LALKUDI SUB DIVISION,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT.
CRIME NO.792 OF 2020.

... RESPONDENTS/RESPONDENTS

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 463 days in filing the above Criminal Revision Petition against the order dt.9.2.2022 in CrI.MP.(MD).No.275 of 2022 on the file of the Learned I-Additional District and Sessions Judge (PCR), Tiruchirappalli.

Prayer in CrI.RC(MD)SR.No.34056 of 2023:

Pleased to call for the records pertaining to the order dated 09.02.2022 made in CrI.MP.No.275/2022 on the file of the learned First Additional District and Sessions Judge (PCR), Tiruchirapalli, and set aside the same in so far as to conduct further

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CRL MP(MD) No.13588 of 2023

investigation of the said case with Section 119 of the IPC and to conduct the departmental enquiry about the police personals, who were working in the Samayapuram Police Station on 22.07.2020 and allow the above 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.JEGANATHAN C, Advocate for the petitioner and of Mr.T.LENIN KUMAR, Advocate for the 1st Respondent and Mr.M.VAIKKAM KARUNANITHI, Government Advocate(crl.side) on behalf of the Respondents No.2 & 3, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to condone the delay of 463 days in filing the Criminal Revision against the order dated 09.02.2022 in Crl.M.P.No.275 of 2022 on the file of the learned First Additional District and Sessions Judge (PCR), Tiruchirapalli.

2.The learned counsel for the petitioner submitted that the order was passed in Crl.M.P.No.275 of 2022 by the 1st Additional District and Sessions Judge (PCR), Tiruchirapalli. The learned Sessions Judge, without hearing the petitioner and behind back him, passed the above said order. Due to which, he is unable to file this revision before this Court within time. He further submitted that 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.



CRL MP(MD) No.13588 of 2023

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3.The learned counsel for the respondents without filing the counter objected to condone the delay of 463 days.

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

5.It is the specific case of the petitioner that the learned Sessions Judge, without hearing the petitioner and behind back him, passed the above said order. Due to which, 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.

6.In view of the special circumstances of the case, this Court inclined to condone the delay with imposing the cost of Rs.1,500/- (Rupees One Thousand and Five Hundred Only) to the credit of madurai Bench of Madras High Court, Advocate Clerk's Welfare Association, Madurai, (Indian Bank Account No.496039124) 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.



CRL MP(MD) No.13588 of 2023

7. Accordingly, this petition is allowed. List this case on 26.06.2024 for "reporting compliance".

sd/-
04/04/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
TIRUCHIRAPPALLI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
LALKUDI SUB DIVISION,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT.

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

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THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI



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CRL MP(MD) No.13588 of 2023

ORDER
IN
Crl.M.P.(MD).No.13588 of 2023
in
Crl.RC.(MD).SR.No.34056 of 2023
Date :04/04/2024

SA/GS/SAR. /12.06.2024/5P/6C

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