



CRL MP(MD) No.15234 of 2023

WEB COPY

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 MP(MD) No.15234 of 2023
in
CRL RC(MD) SR.No.35878 of 2023

TAMIZHAZHAGAN

... PETITIONER/PETITIONER

Vs

V.THANGAMMAL
REP.BY ITS MANAGER AND POWER AGENT
VELLAIYAPPAN

... 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 675 days in preferring the above criminal revision petition before this Honble court against in Crl A No. 3 of 2018 passed by the learned 3rd Additional District and Sessions Judge, Trichy dated 22.08.2019 confirming the judgment made in C.C.No.52 of 2016, dated 18.12.2017 on the file of the learned Judicial Magistrate No.1, Tiruchirapalli.

Prayer in CRL RC(MD)SR.No.35878/2023 :

To call for the records and set aside the impugned Judgment dated 22.08.2019 made in C.A.No.3/2018 passed by the learned 3rd Additional District and Sessions Judge, Trichy confirming the judgment and conviction in C.C.No.52/2016 passed by the learned Judicial Magistrate No.1, Tiruchirapalli dated 18.12.2017 and allow the above 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

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



CRL MP(MD) No.15234 of 2023

M/S.JAMEEL ARASU.B, Advocate for the petitioner and of MR.S.JAYAVEL, Advocate on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to condone the delay of 675 days in filing the Criminal Revision against the judgement passed by the learned 3rd Additional District and Sessions Judge, Trichy, in C.A.No.3 of 2018, dated 22.08.2019 confirming the judgment made in C.C.No.52 of 2016, dated 18.12.2017 by the learned Judicial Magistrate No.1, Tiruchirapalli.

2.The respondent preferred a complaint under 138 of Negotiable Instruments Act, against the petitioner, before the learned Judicial Magistrate No.1, Tiruchirapalli for his alleged act of dishonored cheque issued by him to discharge the debt amount of Rs.1,50,000/- and the same was taken on file in C.C.No.52 of 2016. The learned trial judge after conducting the elaborate trial, convicted the petitioner and sentenced him to undergo simple imprisonment for one year and to pay a fine of Rs.3,00,000/- to the respondent. Against which, the respondent/complainant filed appeal in C.A.No.3 of 2018 on the file of the 3rd Additional District and Sessions Judge, Trichy. However, the same was dismissed on 11.01.2024, thereby confirming the conviction and sentence imposed on the petitioner. Challenging the same, the petitioner filed this Criminal revision with delay of 675 days. In the affidavit, it is stated that he is continuously suffering from jaundice and after a long time of diagnosing the same, he travelled to several places for native treatment. Due to



CRL MP(MD) No.15234 of 2023

which, he is unable to file this revision before this Court within time. Hence, he seeks
WEB COPY
for condonation of delay of 675 days in filing the Criminal Revision.

3.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.

4.The learned counsel for the respondent without filing the counter objected to condone the delay of 675 days.

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

6.It is the specific case of the petitioner that he is continuously suffering from jaundice and after a long time of diagnosing the same, he travelled to several places for native treatment. 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.

7.In view of the special circumstances of the case, this Court inclined to condone the delay with imposing the cost of Rs.7,500/- (Rupees Seven Thousand and Five



CRL MP(MD) No.15234 of 2023

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.

8. Accordingly, this petition is allowed. List this case on 24.06.2024 for "reporting compliance".

sd/-
04/04/2024

/ TRUE COPY /

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

vsg
TO

- 1 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, TRICHY DISTRICT.
- 2 THE JUDICIAL MAGISTRATE NO.I, TIRUCHIRAPALLI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPALLI.

ORDER IN
CRL MP(MD) No.15234 of 2023 in
CRL RC(MD) SR.No.35878 of 2023
Date :04/04/2024

RS/VR/SAR-(11.06.2024) 4P 4C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023