



*Crl.M.P.No.14167 of 2025
in Crl.R.C.No.410 of 2018*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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in Crl.R.C.No.410 of 2018

K.Muthusami

.. Petitioner

Versus

1. Kadiresan
2. Madhiyazhagan
3. M.Sundaram
4. Pandiyan
5. N.Subash
6. Ajith Singh Shegavat
7. V.Muthukumaralingam

.. Respondents

Prayer : Criminal Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 2452 days in filing the petition to restore the Crl.R.C.No.410 of 2018, dated 18.06.2018 which was dismissed for default and to restore the appeal.

For Petitioner : Mr.K.Anantha Krishnan



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For Respondent : Mr.B.Ravi Raja



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ORDER

Heard the learned Counsel on either side.

2. The learned Counsel for the petitioner would submit the Criminal Revision Case was dismissed for default on the part of the Counsel. He has come on the change of vakalath and for mere fault of the Counsel, the party should not be put to prejudice. Therefore, this application to restore the Criminal Revision Case along with the condonation of delay of 2452 days, should be condoned.

3. Per *contra*, Mr.B.Ravi Raja, the learned Counsel taking notice on behalf of the respondents would submit that instant trial itself was a second complaint and there is absolutely nothing for this Court to consider in the main Criminal Revision Case. Even otherwise, the delay is 2452 days and such huge delay cannot be condoned in the instant case.



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4. I have considered the rival submissions made on either side and perused the material records of the case.

5. It can be seen that this case arises out of a private complaint filed by the petitioner herein. The detailed complaint relates to purchase of certain machineries involved in textile production and it says about purchase of machineries, custody etc. Therefore, it can be seen that the parties were having predominantly commercial transaction between them and alleging breach of trust and also threatening etc., the criminal complaint was filed.

6. The Trial Court considered the entire evidence in detail and gave the benefit of doubt to the accused and acquitted the accused. Even the appeal filed in Crl.A.No.129 of 2016 met with the same result and the Appellate Court, on a re-appraisal of the evidence, affirmed the finding of the Trial Court acquitting the accused. In a revision that is filed against the same, the scope is extremely limited and unless this Court finds that the



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findings are absolutely perverse, it cannot be interfered.

7. Be that as it may, though it is true that for the Counsel's fault, the party cannot suffer. At the same time, the delay that is sought to be condoned is 2452 days. Therefore, at this belated point of time, also keeping in mind the predominant commercial nature of transaction that is alleged in the instant case, I am of the view that the huge delay is not adequately explained and therefore, I do not find any merit to entertain the application for condonation of delay.

8. Accordingly, this Criminal Miscellaneous Petition is dismissed.

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Neutral Citation : no
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D.BHARATHA CHAKRAVARTHY, J.

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