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Crl.R.C.No. 112 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.No. 112of 2025

Ponnusamy

S/o. Karuppanna Gounder

...Petitioner

Vs.

Giriraj

S/o.Appusamy

..Respondent

Criminal Revision Petition is filed under Section under Section 438 r/w 442 of BNSS to set aside the docket order passed in Crl.M.P.No. 2286 of 2022 passed by the learned Principal District and Sessions Judge, Namakkal dated 26.04.2024.

For Petitioner : Mr. S.Sheik Ismail

For Respondent : Mr.K.M. Arun
For Mr.S.Senthil



Crl.R.C.No. 112 of 2025

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ORDER

This Criminal Revision Petition is preferred against the docket order passed in Crl.M.P.No.2286 of 2022 dated 26.04.2024 by the Principal District and Sessions Judge, Namakkal, thereby dismissing the petition filed by the petitioner to condone the delay.

2. A perusal of the records reveals that the petitioner had lodged a private complaint against the proposed accused, which came to be dismissed. The dismissal order was challenged by way of a revision petition, filed with a delay of 44 days. The condone delay petition was, however, dismissed by the Revisional Court on the ground that the petitioner was absent.

3. Considering the facts and circumstances of the case, this Court is of the view that the approach adopted by the revisional Court in dismissing the condone delay petition solely on the ground of non-appearance of the petitioner is not legally sustainable. It is well settled that applications seeking condonation of delay are to be considered



Crl.R.C.No. 112 of 2025

WEB COPY

liberally, since the object of the Court is to advance substantial justice rather than to terminate proceedings at the threshold on technical grounds. In the present case, the delay involved is only 44 days, which is not inordinate. Therefore, in the interest of justice, this Court deems it appropriate to set aside the order of dismissal and remand the matter back to the revisional Court, with a direction to issue notice to the respondents, consider the explanation for the delay, and decide the petition on merits in accordance with law.

4. With the above directions, this Criminal Revision Petition is allowed.

20.08.2025

Index : Yes/No
Neutral citation : Yes/No
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To
The Principal District and Sessions Judge, Namakkal,



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Crl.R.C.No. 112 of 2025

G.K.ILANTHIRAIYAN, J.

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Crl.R.C.No. 112 of 2025

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