



Crl.M.P.No.17427 of 2025
and
Crl.R.C.SR.No.49938 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P.No.17427 of 2025
and
Crl.R.C.SR.No.49938 of 2025

N.Santhakumari

...Petitioner

-Vs-

1.Raghu
2.Rajan
3.Karthick
4.Gym Hari @ Harikrishnan
5.Naveenkumar
6.Harikrishnan
7.Devaraj
8.Siva
9.Kalaiselvan
10.Ravindhran
11.Chinna Thambi
12.Balaraman
13.Mageshwaran

...Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 1167 days in preferring the Criminal Revision before this Court in C.M.P.No.2769 of 2020 on the file of the learned Judicial Magistrate No.I, Chengalpattu.

For Petitioner : Mr.S.Suresh

For R1, R7 & R10 : Mr.M.Guruprasad

For R2 & R6 : No appearance



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ORDER

The petition is filed to condone the delay of 1167 days in preferring the revision; challenging the dismissal of the petitioner's complaint filed for the offences under Sections 147, 148, 149, 296(b), 323, 448, 506(1) and 3(i) of TNPPDL Act.

2. The revision has been filed challenging the order of the learned Magistrate dismissing the petitioner's complaint. The order of the learned Magistrate is as follows:

“Complainant absent, No representation on her behalf, several opportunities given. But from 22.02.2021 to till date, no representation. During last hearing posted as final last chance, even then not appeared. Hence this petition is dismissed for non-prosecution.”

3. The learned counsel for the petitioner would submit that the petitioner had become ill during the corona lockdown period; and after taking treatment and after completion of the quarantine period, she instructed her a counsel who also fell sick; and that due to said reasons, there has been a delay of 1167 days in preferring the criminal revision case.



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4. The learned counsel appearing for respondents 1, 7 and 10, however, vehemently opposed the prayer; and would submit that the reasons stated in the affidavit filed in support of the condonation of delay petition are very vague; and considering the conduct of the petitioner; and the fact that the delay has not been properly explained; the petition to condone the delay is liable to be dismissed.

5. Admittedly, the petitioner's application was dismissed for non-prosecution; and the learned Magistrate, in the order extracted above, had observed that the petitioner did not appear before the learned Magistrate from 22.02.2021 till 14.09.2021 when the order came to be passed.

6. In the affidavit filed in support of the condonation of delay petition except for vague averments that the petitioner fell sick and that her counsel also fell sick; the reasons for the delay have not been satisfactorily explained. No material has been produced to substantiate the illness of the petitioner; and in any case, it is not the case of the petitioner that she was indisposed throughout the entire period of nearly four years. Therefore, this Court finds no sufficient cause to condone the delay.



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SUNDER MOHAN, J.

7. Accordingly, this criminal miscellaneous petition stands dismissed.

cda

11.12.2025

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