



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 23410 of 2025

in

CrI.A.No.296 of 2018

1. K.M.Navanithi
W/o.Late.S.Mani,
Then Assistant Taluk Office,
Sathyamangalam,
Present Address
5/16, V.C.Nagar,
Nallagoundanpalayam,
Gobichettipalayam, Erode district.

Petitioner(s)

Vs

1. The State rep.by, Deputy
Superintendent of Police,
Deputy Superintendent of Police,
Anti-Corruption and Vigilance
Department, Erode.
Cr.No.12/AC/2005/ER.

Respondent(s)

PRAYER: The criminal miscellaneous petition filed under Section 528 of BNSS to restore the order by this Honble Court in CrI.A.No.296 of 2018 dated 02.07.2024 dismiss for default and restore the appeal for hearing on merits by allowing this criminal miscellaneous petition.

For Petitioner(s): Mr.R.Prabakar

For Respondent(s): Mr.S. Udayakumar
Govt. Advocate (CrI.Side)



ORDER

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This criminal miscellaneous petition has been filed to restore the judgment of this Court in Crl.A.No.296 of 2018 dated 02.07.2024 dismiss for default and restore the appeal for hearing on merits.

2.This Court, on an earlier occasion, considered the delay petition seeking condonation of delay and after assigning reasons and findings, condoned the delay.

3.It is submitted that the petitioner is 75 years old and suffering from age-related ailments, particularly, Rheumatoid Arthritis and that he is immobile and that he has been undergoing continuous treatment at Hyderabad where he was residing there during the years 2022 to 2023 and in the meantime, the appeal came to be dismissed for non-prosecution.

4.Considering that the appeal has been dismissed without affording an opportunity of hearing to the petitioner, this Court is inclined to restore the criminal appeal and hear both parties. Accordingly, this criminal miscellaneous petition is ordered.



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5. During the course of the argument, it is submitted by the learned counsel for the petitioner that The learned counsel for the petitioner submitted that the petitioner earlier was granted suspension of sentence and was directed to appear before the trial Court on the first working day of every month. Due to his medical treatment, and his stay at Hyderabad, he was unable to appear before the trial Court. It is further submitted that now, the trial Court is not permitting the petitioner to comply with the said condition and therefore seeks permission for condonation of delay. It is for the petitioner to move appropriate petition in the suspension of sentence proceedings seeking such relief.

08-12-2025

sms

Note: Registry is directed to restore the criminal appeal and list it on 15.12.2025.

To

1. The Deputy Superintendent of Police,
Deputy Superintendent of Police, Anti-
Corruption and Vigilance Department,
Erode. Cr.No.12/AC/2005/ER.

2. The Public Prosecutor
High Court, Madras.



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M.NIRMAL KUMAR J.

sms

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