



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2272 of 2025

Kothandam
S/o.Munusamy,
No.18/192, VM Street,
Royapettah, Chennai-14

Petitioner(s)

Vs

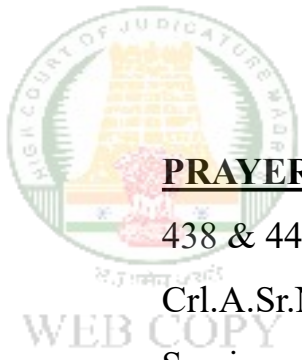
1. The Sub Inspector of Police
E-2, Royapettah Police Station,
Royapettah, Chennai

2.Praveen Kumar
S/o.Karunakaran

3.Thennarasi
W/o.Karunakaran
Both residing at No.133, 32th Block,
Ezhil nagar, Kanagi Nagar,
Chennai-600 097

4.Visalatchi
W/o.Praveen Kumar,
No.12, 12th Trust Cross Street,
Mandaveli, Chennai-600 028

Respondent(s)



PRAYER: Petition filed under Section 397 & 401 of CR.P.C and under Section 438 & 442 of BNS, to set aside the order passed in Crl.M.P.No.10751 of 2024 in Crl.A.Sr.No.100008 of 2024 dated 24.04.2024 on the file of the Principal Sessions Judge at Chennai against the judgement passed in C.C.No.331 of 2023 dated 24.11.2023 on the file of the XVIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner(s): Mr.T.K.S.Gandhi

For Respondent(s): DR.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

Challenging the order dated 24.04.2024 passed by the Principal Sessions Judge, Chennai in Crl.M.P.No.10751 of 2024 in Crl.A.Sr.No.100008 of 2024, the petitioner has filed the present petition.

2. The case of the petitioner is that he is the de facto complainant, who filed an appeal before the Principal Sessions Judge, Chennai, with a delay of 15 days. The condone delay petition was taken on file in Crl.M.P.No.10751 of 2024 in Crl.A.SR.No.10008 of 2024. On the date of hearing i.e., on 05.04.2024, the trial Court has directed to issue notice to the respondents 2 to 4 on payment of process fee. However, the petitioner has not taken any steps for the payment of process fee. Therefore, the trial Court has dismissed the condone delay petition



for default vide order dated 24.04.2024 made in Crl.M.P.No.10751 of 2024, on the ground of non appearance and non-payment of process fee. Aggrieved by the same, the petitioner has preferred the present petition.

3. The learned counsel for the petitioner would submit that the learned junior counsel has noted the date wrongly, due to which, the counsel on record was unable to appear on the subsequent date of hearing before the trial Court to conduct the case. Hence, the petition was dismissed for default. It is also submitted that, if an opportunity is provided, the petitioner would be able to substantiate his case.

4. Heard both sides and perused the materials available on record.

5. Considering the submissions made by the learned counsel for the petitioner and being satisfied with the reasons stated in the accompanying affidavit filed in support of this petition, and in order to give one more opportunity to the petitioner to put forth its contention to substantiate his case, this Court is inclined to allow this petition.



6. Accordingly, this Criminal Revision Case is allowed and the Crl.M.P.No.10751 of 2024 is ordered to be restored on file and proceed further in the matter. No costs.

06-11-2025

Jd
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To
The Principal Sessions Judge, Chennai.



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T.V.THAMILSELVI J.
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