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Crl.R.C.No.2113 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2113 of 2025

1. Duraisamy
2. Ramasamy
3. Velmoorthy

... Petitioners

Vs.

State Represented by
The Inspector of Police,
Cheyur Police Station,
Avinashi

...Respondent

PRAYER: Criminal Revision Petition filed under Section 438 read with 442 of BNSS to call for the records in E.Crl.M.P.No.622 of 2025 in Crime No.1702 of 2020 and set aside the impugned order dated 15.07.2025 in E.Crl.M.P.No.622 of 2025 in Crime No.1702 of 2020 passed by the learned Judicial Magistrate, Avinashi.

For Petitioners	:	Mr.M.Ashwin
For Respondent	:	Dr.C.E.Pratap Government Advocate (Crl. Side)

JUDGMENT

The Revision Petitioner challenges the order passed by the learned Judicial Magistrate, Avinashi by which, the petition filed by the prosecution to condone the delay of 352 days in filing the final report was allowed.



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2. The learned counsel for the petitioner would submit that the case was registered against the petitioner for the offence under Section 379 of IPC; that the occurrence took place on 21.03.2023; that the respondent police ought to have filed the final report on 23.12.2023; that the delay has not been properly explained; that the respondents had stated that the files were misplaced and got mixed with some other papers; and that such an explanation ought not to have been accepted by the learned Magistrate and prayed that the impugned order may be set aside.

3. Heard the learned Government Advocate (Crl. Side) and perused the order passed the learned Judicial Magistrate, Avinashi in E.Crl.M.P.No.622 of 2025.

4. It is seen from the impugned order that the learned Judicial Magistrate had held that the prosecution should not be scuttled merely because the Investigation Officer had been lethargic and not filed the final report on time. Infact the learned Magistrate also had held that the theft of minerals has been done from the private property and the accused cannot



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take advantage of delay in filing of the final report.

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5. This Court finds that the prosecution has satisfactorily explained the delay. That apart it is well settled that when substantive justice is pitted against procedural delays/technicalities, the former should prevail. The learned Magistrate was therefore justified in allowing the petition to condone the delay. There is no infirmity whatsoever in the impugned order.

6. Accordingly, this Criminal Revision Petition is dismissed.

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03.12.2025



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SUNDER MOHAN, J.

sma

To

1. Judicial Magistrate, Avinashi

2. The Inspector of Police,
Cheyur Police Station,
Avinashi

3..The Public Prosecutor,
High Court, Madras.

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