

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-11-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 20849 of 2025
in
CRL A NO. 860 OF 2018

Durai Raj (Died)
S/o.Suppa Reddy

1. P.Karunavathi
W/o.Late. S.Durairaj, 55/4, Behind bus
Stand, Sholinghur, Ranipet District.
Durai Raj (Died) S/o.Suppa Reddy

Petitioner(s)

Vs

1. State Rep. by
The Deputy Superintendent of Police
Arakkonam Sub Division, Arakkonam
All women Police Station.
Crime No. 12/2007.

2.Sudhakar
S/o.Subramani, No. B-3/F-1
Mahalakshmi Apartments,
Adambakkam, Chennai -600 088.

3.Subramani
S/o.Veerappan

4.Saroja

W/o.Subramani

5.Suresh Babu

S/o.Subramani, Respondents 3-5 are
residing at Door No. 22/37A,
Thowlath Nagar, Semmandalam,
Cuddalore.

6.Gowrisankar

S/o.Kaliaperumal, Kumbakonam Road,
Kamaraj Nagar, Panruti

Respondent(s)

PRAYER: Criminal Miscellaneous Petition filed under Section 5 of the
Limitation Act, praying to condone the delay of 720 days in filing the
Substitution Petition.

For Petitioner : Mr.Thangavadhanabalakrishnan

For Respondent-1 : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

For Respondents-2 to 6 : Mr.R.Karthikeyan

ORDER

This petition is filed to condone the delay of 720 days in filing the
Substitution Petition.

2.The contention of the learned counsel for petitioner is that the
petitioner is the wife of S.Durairaj, who filed an appeal in CrI.A.No.860 of

2018 against the acquittal of A1 to A5/respondents 2 to 6 in the appeal. In this case, A2 to A5 were found not guilty for offence under Sections 498-A, 306 and 506(ii) of I.P.C. A1 was found not guilty for offence under Sections 498-A and 506(ii) of I.P.C. and A1 alone convicted for offence under Section 306 of I.P.C. The said Durairaj is the father of the victim Kalaivani. The said Durairaj passed away on 12.10.2023. The petitioner wife of Late Durairaj and Legal heir of Durairaj as well a victim earlier was not aware about the pendency of the appeal. It came to her knowledge recently. Hence, with a delay of 720 days, the present petition filed.

3.The learned counsel further submitted that already in this case A1 had filed Crl.A.No.657 of 2017 against his conviction under Section 306 of I.P.C., which is pending before this Court. While appreciating the evidence on the appeal of A1, petitioner's contention can also be considered and both the appeals can be disposed together.

4.Mr.R.Karthikeyan, learned counsel appearing for respondents 2 to 6/A1 to A5, who is also representing A1 in Crl.A.No.657 of 2017 strongly objects to the petitioner's contention submitting that petitioner to wreak

vengeance, using this criminal case for ulterior motive. A2 to A5 are family members, who are father, mother, brother and sister of A1. In fact, A1's brother and sister married and settled with their respective family. It is nothing but a persecution.

5.Considering the submission made and on perusal of the materials, it is seen that already A1 convicted for offence under Section 306 of I.P.C. and A1 had filed an appeal, which is pending. The de-facto complainant/father of the victim filed the above appeal in Crl.A.No.860 of 2018, now he has passed away and the mother of the victim stepping into his shoes. It is an appeal filed by the victim. In view of the same, this Court condones the delay and the petition is ordered.

07.11.2025
(1/2)

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M.NIRMAL KUMAR, J.

rsi

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(1/2)**