



Crl.R.C.(MD)No.119 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Reserved on : 25.04.2025

Pronounced on : 04.08.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.119 of 2025

and

Crl.M.P.(MD)No.1250 of 2025

Jebamani

... Petitioner

Vs.

1.C.Devaraj

2.C.Narayanan

3.The Inspector of Police,
Kulasekaram Police Station,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer : This Criminal Revision Case filed under Sections 438 r/w 442 B.N.S.S., to call for the records relating to the order in Crl.M.P.No.1517 of 2024 in Crl.A.No.159 of 2024 on the file of the learned Principal District and Sessions Judge of Kanyakumari at Nagercoil, dated 19.11.2024.



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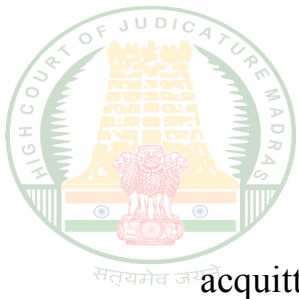
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For Petitioner : Mr.M.Suri
For R1 : Mr.V.Balaji Rajaram
For R2 : No appearance
For R3 : Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

The Criminal Revision is directed against the order passed in Crl.M.P.No.1517 of 2024 dated 19.11.2024 on the file of the Principal Sessions Court, Kanniyakumari District at Nagercoil, condoning the delay in preferring the appeal challenging the judgment of acquittal made in C.C.No.391 of 2018 dated 14.09.2019 on the file of the Court of Judicial Magistrate No.II, Padmanabhapuram.

2. The petitioner and the second respondent are the accused 1 and 2 in C.C.No.391 of 2018 for the alleged offences under Sections 468, 471, 474 r/w 120B IPC. After trial, the learned Judicial Magistrate No.II, Padmanabhapuram passed a judgment dated 14.09.2019 finding both the accused are not guilty and acquitted them under Section 248(1) Cr.P.C. The first respondent, who is the defacto complainant, aggrieved by the



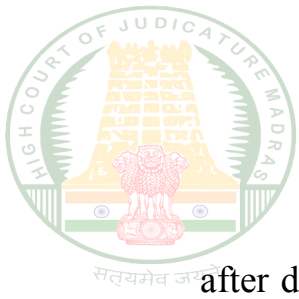
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acquittal judgment, preferred an appeal along with a petition to condone the delay of 1917 days in preferring the appeal. The accused as well as the prosecution have filed counter statements raising objections to condone the delay. The learned Principal Sessions Judge, after enquiry, has passed the impugned order dated 19.11.2024 allowing the petition and thereby condoning the delay in preferring the appeal. Challenging the said order, the present revision came to be filed.

3. It is not in dispute that in pursuance of the order passed by the learned Principal Sessions Judge, the appeal was taken on file in Crl.A.No. 159 of 2024 on the file of the Principal Sessions Court, Kanniyakumari District at Nagercoil and subsequently, the same was made over to the Additional District and Sessions Court, Panmanabhapuram.

4. The first respondent's case for condoning the delay is that after being summoned by the Judicial Magistrate Court and deposing before it, he was not kept abreast of the case's progress. As an octogenarian over 75 years old, he was not in touch with the case's developments. Upon learning about the acquittal, he enquired about a potential appeal by the State and,



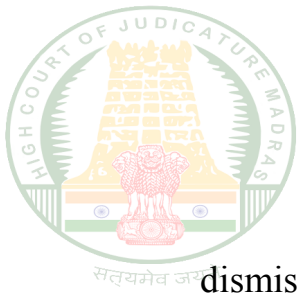
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after discovering none was filed, approached an Advocate on 03.11.2023.

He obtained certified copies of the judgment and documents on 24.11.2023. The first respondent claims he was unaware of the acquittal until 02.11.2023, as neither the police nor the Magistrate Court informed him. He attributes the delay in filing the appeal to the Covid-19 pandemic and asserts that the delay wasn't wanton or willful. Therefore, he seeks condonation of the delay and requests that the appeal be taken on file.

5. The petitioner and the second respondent have filed a counter statement raising serious objections, wherein, it has been stated that the first respondent was an accused in the case in C.C.No.382 of 2018 on the file of the Court of Judicial Magistrate No.II, Padmanabhapuram, that there was no procedure or practice of sending notice to the defacto complainant about the delivery of the judgment from the concerned Court or police, that the first respondent cannot seek condonation of 4 years 3 months on the ground of outbreak of Covid-19, that since the first respondent was contesting the other case in C.C.No.382 of 2018, the contention that he came to know about the judgment only on 02.11.2023 is apparently false and incorrect and that therefore, the petition is liable to be



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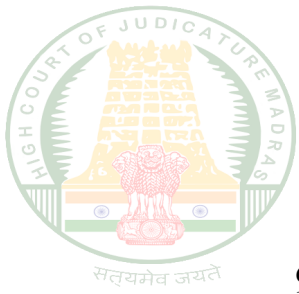
dismissed.

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6. The third respondent police has filed a counter statement stating that the first respondent has not given the total number of days delay in preferring the appeal, that the first respondent has also not stated when he got knowledge about the acquittal of the case, that the first respondent has not approached the Court with clean hands and that there is no valid reason to condone the delay.

7. The learned Principal Sessions Judge allowed the petition and condoned the delay, observing that there was no material to show that a copy of the acquittal judgment was given to the victim or his lawyers. The Judge also noted that the first respondent's involvement in another case in the same court couldn't be a valid reason to attribute knowledge of the case and its outcome.

8. The first respondent and the third respondent police have filed counter affidavit in the revision.



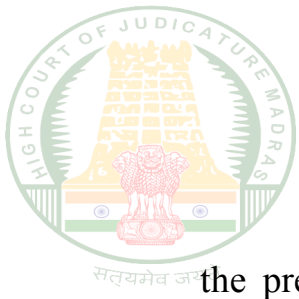
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9. It is the specific case of the first respondent that the first respondent was aware about the filing of the charge sheet and taking cognizance of the case. More importantly, even according to the first respondent, he was summoned by the concerned Court and in pursuance of the same, he appeared before the Court and gave evidence.

10. The first respondent's primary contention is that he was unaware of the acquittal judgment, as neither the police nor the court informed him about the verdict, and he didn't receive a copy of the judgment. However, as rightly pointed out by the learned counsel for the petitioner, there's no legal mandate requiring the court to inform the de facto complainant about the judgment date or provide a copy of the judgment in ordinary criminal cases. While specific provisions exist in certain special enactments for issuing judgment copies to victims or de facto complainants, this is not a standard practice in ordinary criminal cases.

11. Furthermore, according to Section 363(5) of the CrPC, any person affected by a judgment or order passed by a Criminal Court is entitled to obtain a copy of the document upon application and payment of



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the prescribed charges. The proviso to this subsection grants the Court discretion to provide the copy free of cost if it deems it appropriate for special reasons.

12. It is the specific case of the petitioner that the first respondent was an accused in C.C.No.382 of 2018 and was very much contesting the case before the very same Court i.e., Court of Judicial Magistrate No.II, Padmanabhapuram, when the present case in C.C.No.391 of 2018 was pending.

13. The first respondent, in the affidavit filed in support of the delay condonation petition, he has stated that he came to know about the acquittal judgment only on 02.11.2023 but he has not elaborated anything further. As rightly contended by the learned counsel appearing for the petitioner, the first respondent has not stated as to how he came to know about the acquittal judgment in the year 2023 when acquittal judgment came to be passed on 14.09.2019 itself.

14. As rightly contended by the learned counsel appearing for the



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petitioner, even assuming that Covid period can be excluded, the first respondent has not assigned any reason or ground for the remaining part of delay, which is also inordinate.

15. It is pertinent to mention that the first respondent has not canvassed any valid reason or explanation for the delay occurred and the reason canvassed, by no stretch of imagination, can be taken as a valid explanation sufficient enough to condone the delay.

16. The learned Principal Sessions Judge, without considering the factual aspects in a proper perspective, by mainly observing that judgment copy was not issued to the first respondent, has condoned the delay in a casual manner and as such, the same cannot be sustained. Hence, this Court concludes that the impugned order condoning the delay is liable to be set aside.

17. In the result, the Criminal Revision Case stands allowed and the impugned order dated 19.11.2024 passed in Crl.M.P.No.1517 of 2024 by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil



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is hereby set aside. The petition in Crl.M.P.No.1517 of 2024 stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

04.08.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Principal District and Sessions Judge,
Kanyakumari District at Nagercoil.
- 2.The Additional District and Sessions Judge,
Padmanabhapuram.
- 3.The Inspector of Police,
Kulasekaram Police Station,
Nagercoil,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
Crl.R.C.(MD)No.119 of 2025
and
Crl.M.P.(MD)No.1250 of 2025

Dated : 04.08.2025