



Crl.M.P.(MD)No.1072 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.1072 of 2025

in Crl.A.(MD)SR.No.2782 of 2025

Ebiseyus,
S/o.Germans,
112B, South New Street,
Tiruchendur,
Thoothukudi District.

Petitioner(s)

versus

Thomas Antony Stanis,
S/o.Siman,
98, Antoniyar Kovil Street,
Amali Nagar, Tiruchendur,
Thoothukudi District.

Respondent(s)

For Petitioner(s):

Mr.J.David Ganesan
Advocate

For Respondent(s):

Mr.A.Robinson,
Advocate

ORDER

This Criminal Miscellaneous Petition is filed to condone the delay of 423 days

in filing the Criminal Appeal in Crl.A(MD)SR.No.2782 of 2023.

<https://www.mhc.tn.gov.in/judis>



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2. This petitioner has filed a private complaint as against the respondent before the learned Judicial Magistrate, Tiruchendur, for the offence under Section 138 of Negotiable Instruments Act, 1881. The complaint of the petitioner herein has been taken cognizance by the learned Judicial Magistrate in STC No.847 of 2022. After a full-fledged trial, the learned Magistrate, by Judgment dated 26.09.2023, acquitted the respondent from the charge. As against the Judgment of acquittal, the petitioner has preferred an appeal with the delay of 423 days. To condone the same, this Miscellaneous Petition is filed.

3. The learned counsel appearing for the petitioner submits that since the petitioner was suffering from certain ailments and he was also facing severe financial difficulties, he was not able to file an appeal in time and therefore, there is a delay of 423 days in filing the appeal. The learned counsel claims that the petitioner is having some arguable points in the appeal and therefore, he must be provided liberty by entertaining the appeal.

4. Heard the learned counsel appearing for the respondent.

5. This Court considered the submissions of the learned counsel for the petitioner, however, not satisfied with the reasons assigned by the learned counsel.



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6. Since this petitioner claims that he is having some arguable points in the appeal, this Criminal Miscellaneous Petition is allowed with a condition that the petitioner shall pay a sum of Rs.4,000/- (Rupees four thousand only) to "The Commissioner, Madurai Corporation, Aringar Anna Maligai, Tallakulam, Madurai - 625 002, Canara Bank, Account No.110197467504, IFSC Code: CNRB0003041, MICR Code: 625015017", within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition will automatically stand dismissed. The amount shall be utilized by the Commissioner of Madurai Corporation, for the purpose of making necessary improvements in the Study Centre, Madurai Corporation.

sd/-
10/03/2025

/ TRUE COPY /

/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.



Crl.M.P.(MD)No.1072 of 2025

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

Copy to
The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Tallakulam, Madurai – 625 002.

ORDER
IN
Crl.M.P.(MD)No.1072 of 2025
in Crl.A.(MD)SR.No.2782 of 2025
Date :10/03/2025

MK/SKN/SAR /26.03.2025 4P/4C

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