



Crl.M.P.(MD)No.1518 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 06.03.2025

DELIVERED ON :11.03.2025

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P.(MD)No. 1518 of 2025

in

Crl.R.C(MD)No. SR 4020 of 2025

Natheem

: Revision Petitioner/Petitioner/
Accused No.6

Vs.

The State of Tamil Nadu represented by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(*)(Crime NO.823 of 2015)

: Respondent/Respondent/Complainant

PRAYER in Crl.M.P(MD)No.1518 of 2025: Criminal Miscellaneous Petition filed under Section 5 of the Limitation Act, 1963 to condone the delay of 347 days in filing the Criminal Revision Petition.

PRAYER in Crl.R.C(MD)No.SR 4020 of 2025: Criminal Revision filed under Section 438 r/w 442 of BNSS to call for the records from the lower Courts and set aside the order of the trial Court passed by the learned Additional District and Sessions Judge, Padmanabhapuram in Crl.M.P.No.311 of 2023 in S.C.No.33 of 2022, dated



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10.11.2023 and discharge the revision petitioner/Accused No.6 from the alleged offences punishable under Sections 147, 148, 120(B), 364, 302 r/w 149 I.P.C.

For Petitioner : Mr.A.Abdulkabur

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

The above petition has been filed seeking orders to condone the delay of 347 days in filing the Criminal Revision Petition challenging the orders made in Crl.M.P.No.311 of 2023, dated 10.11.2023, on the file of the Additional District and Sessions Court, Padmanabhapuram in dismissing the discharge application.

2. The petitioner and other accused are facing a murder case registered in (*) **Cr.No. 823 of 2015**, on the file of the respondent police. The Deputy Superintendent of Police, Thuckalay laid a final report against the accused including the petitioner for the offences under Sections 147, 148, 120(B), 364, 302 r/w 149 I.P.c., alleging that the accused brutally killed one Kumaradhas, a member of the BJP Party. After committal, the case was taken on file in S.C.No.33 of 2022 and the same was made over to the Additional and District Sessions Court, Padmanabhapuram



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and when the sessions case was pending for framing of charges, the petitioner/6th accused has filed a petition under Section 227 Cr.P.C., seeking discharge in Crl.M.P.No.311 of 2023. The respondent police has filed a counter statement raising serious objections. The learned Sessions Judge, after enquiry, has passed the impugned order dated 10.11.2023, dismissing the discharge petition. Aggrieved by the order of dismissal, the sixth accused has preferred the present revision along with the application to condone the delay of 347 days in preferring the revision.

3. The case of the petitioner is that he applied for the certified copies of the impugned order on 15.11.2023 and the same was furnished on 23.11.2023, that the petitioner was unable to communicate his Counsel for filing a criminal revision due to his family and economic crisis and hence, there was a delay of 347 days in preferring the revision, that the delay of 347 days is neither wilful nor wanton and that the petitioner will be put to irreparable loss and hardship, if the delay is not condoned.

4. The respondent has filed a counter affidavit raising objections to condone the delay and also challenged the grounds for revision.



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5. The learned Government Advocate (Crl.Side) would submit that the petitioner along with the other accused had conspired together to murder the said Kumaradhas, that the petitioner in pursuance of the conspiracy came to the spot in advance, where they planned to murder Kumaradhas and found that it was remote and free with no traffic or public movements and informed the other accused and that all the accused including the petitioner formed unlawful assembly with deadly weapons and proceeded to commit the crime.

6. In the present petition, since we are concerned with the delay, it is not necessary to go into the merits of the main revision.

7. The learned Government Advocate (Crl.Side) would submit that earlier, the fifth accused has filed a similar discharge petition in Crl.M.P.No.300 of 2022 and the same came to be dismissed on 13.10.2022 and thereafter the present petitioner/6th accused has filed the discharge petition, that after the dismissal of the discharge petition, the present revision came to be filed after the delay of 347 days with sole intention to drag on the trial proceedings, that though the murder had taken place in the year 2015, the trial Court is yet to proceed with the framing of charges, that the petitioner has not canvassed any reason for the alleged delay and that therefore, the



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petition for condonation of 347 days in filing the revision is liable for dismissed.

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8. As already pointed out, the only reason canvassed is that he was unable to communicate his Counsel due to his family and economic crisis, but except the above, he has not elaborated anything further. Even according to the petitioner, he obtained the certified copy of the impugned order as early as on 23.11.2023, but the revision along with the delay condonation petition came to be filed only on 29.01.2025. As rightly contended by the learned Government Advocate (Crl.Side), the petitioner has not at all assigned any valid reason or explanation for the delay of 347 days, which is inordinate.

9. Considerin the filing and dismissal of the discharge petition filed by the fifth accused and the present discharge petition filed by the sixth accused, it can easily be inferred that they are attempting to drag on the proceedings. It is pertinent to note that the F.I.R., came to be registered in the year 2015 and already more than 9 years had lapsed.

10. Considering the above, this Court concludes that the above petition is absolutely devoid of merits and the same is liable to be dismissed.



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11. In the result, the Criminal Miscellaneous Petition is dismissed.
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Consequently, the Criminal Revision Case is rejected at the SR stage itself.

Sd/-

11.03.2025

(*)Corrected as per order of this Court dated 22/07/2025 made in CRL MP(MD)No.9565 of 2025 in CRL RC(MD)No.SR 4020 of 2025

Sd/-

Assistant Registrar (C.O)

// True Copy //

/05/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)

SSL/SML

(*)To be substituted to the order already despatched on 26/05/2025

To

1. The Additional District and Sessions Judge,
Padmanabhapuram.
2. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/s. A. ABDUL KABUR (SR-45601[F] dated 24/07/2025)



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CrI.M.P.(MD)No. 1518 of 2025
in
CrI.R.C(MD)No. SR 4020 of 2025
11.03.2025

jj/06.05.2025 7P/4C

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SB/06.08.2025 7P/5C

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