



Crl.M.P.(MD)No.3386 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on : 28.04.2025

Delivered on : 04.08.2025

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P.(MD)No. 3386 of 2025

in

Crl.R.C(MD)No. SR 9393 of 2025

A.Syed Sulaiman Sait

: Petitioner

Vs.

State of Tamil Nadu rep.by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.823 of 2015

: Respondent

PRAYER in Crl.M.P(MD)No.3386 of 2025: Criminal Miscellaneous Petition filed under Section 5 of the Limitation Act, to condone the delay of 771 days in filing the above Criminal Revision against the order passed by the learned Additional District and Sessions Judge, Padmanabhapuram, Kanyakumari District in Crl.M.P.No.300 of 2022, dated 13.10.2022.

PRAYER in Crl.R.C(MD)No.SR 9393 of 2025: Criminal Revision filed under Section 438 r/w 442 of BNSS., to call for the records pertaining to the order passed by the learned Additional District and Sessions Judge,



Crl.M.P.(MD)No.3386 of 2025

Padmanabhapuram, Kanyakumari District in Crl.M.P.No.300 of 2022, dated 13.10.2022 and set aside the same.

For Petitioner : Mr.K.Navaneetha raja

For Respondents : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)

ORDER

The Criminal Miscellaneous Petition has been filed seeking orders to condone the delay of 771 days in filing the revision petition, challenging the order passed in Crl.M.P.No.300 of 2022, dated 13.10.2022 on the file learned Additional District and Sessions Judge, Padmanabhapuram, Kanyakumari District, dismissing the petition filed for discharge under Section 227 of the Code of Criminal Procedure.

2.The petitioner is the fifth accused in a murder case registered in Crime No.263 of 2015 on the file of the respondent police. After completing the investigation, charge sheet came to be filed against the accused including the petitioner for the alleged offences under Sections 147, 148, 120(b), 364, 302 r/w 149 of IPC, alleging that one Kumaradhas a member of BJP party was brutally killed by the accused. After committal by the learned jurisdictional Magistrate to the Court of Sessions, the case was taken on file



Crl.M.P.(MD)No.3386 of 2025

in S.C.No.33 of 2022 and the same was made over to the Additional District and Sessions Court, Padmanabhapuram.

3. When the above said sessions case was pending for framing of charges, the fifth accused filed a petition under Section 227 of Cr.P.C., seeking discharge from the above case in Crl.M.P.No.300 of 2022. The respondent police filed a counter statement raising serious objections. The learned Additional District and Sessions Judge, after enquiry, has passed the impugned order, dated 13.10.2022, dismissing the discharge application. Challenging the order of dismissal, the present revision came to be filed along with the above application to condone the delay of 771 days in filing the revision.

4.The case of the petitioner/fifth accused is that he has been falsely implicated in the above case by the respondent police with ulterior motive; that the petitioner has no other previous antecedents other than the present case; that the petitioner has earned good will among neighbors and other residents of his locality and is a senior citizen and law abiding citizen; that at the time of hearing the discharge petition, the petitioner was in judicial



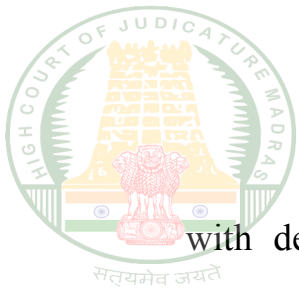
Crl.M.P.(MD)No.3386 of 2025

custody and subsequently, he was released on bail, but he came to know about the dismissal of the discharge petition subsequently; that the petitioner was not aware of the dismissal of the discharge petition at that time; that there was a delay of 771 days in filing the revision; that the delay is neither willful nor wanton and that therefore, it has just become necessary to condone the delay in filing the revision petition and permit the petitioner to prosecute the revision.

5. The respondent has filed an elaborate counter affidavit as if they are filing counter to the main revision petition.

6.The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused had conspired together to kill the said Kumaradhas; that the petitioner in pursuance of their conspiracy came to the occurrence spot and stood there and kept surveillance to inform the accused and aided them all necessary help to other accused to commit the murder of the said Kumaradhas.

7.The learned Government Advocate (Criminal Side) would further submit that all the accused including the petitioner unlawfully assembled



Crl.M.P.(MD)No.3386 of 2025

with deadly weapons and proceeded to commit the crime. Though the petitioner as well as the respondent police have averred in the affidavit as well as in the counter affidavit touching the merits of the discharge petition, since this Court is now concerned with the delay condonation petition, it is not necessary to go into the merits of the revision case.

8.It is pertinent to mention, as rightly contended by the learned Government Advocate (Criminal Side), that the sixth accused has filed a discharge petition in Crl.M.P.No.311 of 2023 and the same came to be dismissed on 10.11.2023; that thereafter, the sixth accused has preferred a revision along with application to condone the delay of 347 days in preferring the revision and that this Court vide order, dated 11.03.2025, dismissed the delay condonation petition and consequently, rejected the criminal revision in SR stage itself.

9.As already pointed out, the only reason canvassed by the petitioner is that at the time of hearing of discharge petition, he was in judicial custody in another case and that he was not aware about the dismissal of discharge petition and when he came to know subsequently, there was a delay of 771 days in filing the revision.

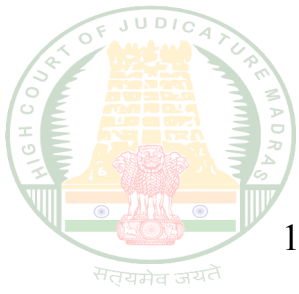


Crl.M.P.(MD)No.3386 of 2025

WEB COPY 10. It is pertinent to note that the petitioner has not shown as to when he was arrested in another case and the period upto which he was in judicial custody, in the affidavit filed in support of the above petition nor produced any materials to substantiate the same.

11. Moreover, the petitioner has not furnished any reason or explanation for not filing the revision immediately after coming to know about the dismissal of the revision petition. Except the reason that he was in judicial custody, the petitioner has not given any other reason or explanation for the delay.

12. As rightly contended by the learned Government Advocate (Criminal Side), the petitioner has failed to provide any valid reason or explanation for the inordinate delay of 771 days. Given the sequence of events, including the filing and dismissal of the discharge petition by the sixth accused and the present discharge petition by the fifth accused, it appears that they are attempting to protract the proceedings.



Crl.M.P.(MD)No.3386 of 2025

13. Notably, FIR came to be registered in the year 2015 and already nine years had lapsed and the trial Court is yet to proceed with framing of charges. Considering the entire facts and circumstances of the case, this Court concludes that the above delay condonation petition is absolutely devoid of merits and the same is liable to be dismissed.

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

04.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das

To

1. The Judicial Magistrate No.I,
Tiruchirappalli.
2. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.M.P.(MD)No.3386 of 2025

K.MURALI SHANKAR,J.

das

Pre-delivery order made in
Crl.M.P.(MD)No.3386 of 2025
in
Crl.R.C(MD)No. SR 9393 of 2025

Dated : 04.08.2025