

CrL.R.C.(MD)No.856 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.856 of 2025

and

CrL.M.P.(MD)Nos.9104 and 9105 of 2025

Kalimuthu

... Petitioner

-VS-

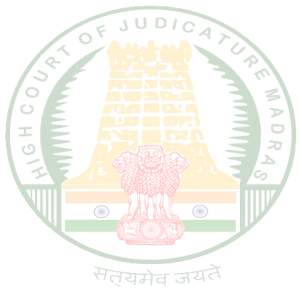
State of Tamil Nadu,
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
Cr. No.623 of 2016.

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w. 442 of BNSS, 2023, to call for the records and set aside the order passed by the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, made in CrL.M.P.No.141 of 2023 dated 04.11.2023 and discharge the petitioner from the case in C.C.No.129 of 2025.

For Petitioner
For Respondent

: Mr.S.Pandiyaraj
: Mr.M.Sakthi Kumar,
Government Advocate (Crl.)



CrL.R.C.(MD)No.856 of 2025

ORDER

WEB COPY

Challenging the order passed by the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, in CrI.M.P.No.141 of 2023 dated 04.11.2023, this Criminal Revision Petition is filed.

2.The petitioner herein is the accused in Crime No.623 of 2016 on the file of the learned Judicial Magistrate, Paramakudi. The petitioner accused filed an application under Section 468(2) of Cr.P.C., seeking to discharge him from Crime No.623 of 2016. However, the same was dismissed by the learned Judicial Magistrate. Challenging the same, this Criminal Revision Case is filed.

3.The learned counsel appearing for the petitioner submitted that Crime No.623 of 2016 was registered for the offences under Sections 279 and 304A of IPC, on the information of one Muthukumar with respect to an accident causing the death of one Ponnusamy. He further submitted that only on next day, the FIR was registered on 23.12.2016 and for several years, the Police did not conclude the investigation. After the lapse of six years, on 19.07.2022, the charge sheet came to be filed in the said crime before the learned Judicial Magistrate. In view of the same, pointing out the delay and bar in taking cognizance of the said offence after a lapse of limitation, the petitioner had filed proper application to discharge him from the offences against which he was charged. However, the learned Judicial



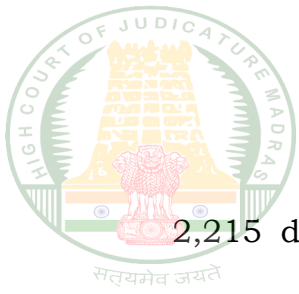
CrL.R.C.(MD)No.856 of 2025

Magistrate has negated the same and rejected the petitioner's application and the said impugned order is not sustainable and pressed for allowing the Revision Case.

4.The learned Government Advocate (Crl.) appearing for the respondent categorically contended that the delay in filing of final report was caused only because of pandemic, which is subsisting from March 2020 to March 2022. Immediately after the completion of corona pandemic, within a period of four months, on 19.07.2022, the charge sheet was filed. As rightly observed by the learned Trial Court that bar under Section 468 of Cr.P.C., will not applicable to the facts and circumstances of this case. He pointed out that the charge sheet was filed along with the petition under Section 472 of Cr.P.C., seeking to extend the period of limitation in the said case. The learned Judicial Magistrate has condoned the said delay and accepted the final report and hence, the impugned order need not interfered with and pressed for dismissal of the Criminal Revision Case.

5.Heard the learned counsel on either side and carefully perused the materials available on record.

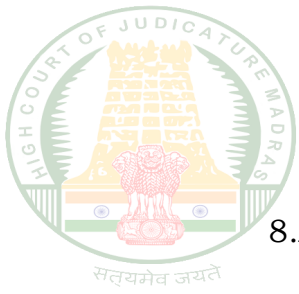
6.As rightly pointed out by the learned counsel for the petitioner, the petition filed by the respondent police under Section 473 of Cr.P.C., has been allowed by the learned Judicial Magistrate by condoning the delay of



CrL.R.C.(MD)No.856 of 2025

2,215 days in filing the charge sheet. Though the learned Government Advocate categorically contended that the delay had happened only because of the corona pandemic which was prevailing then, I am of the considered view that the benefit of bar under Section 468 of Cr.P.C., should be given to the petitioner.

7.The learned counsel for the petitioner also placed before him the order of the Motor Accident Claims Tribunal (Additional District Judge) in M.C.O.P.No.88 of 2018 dated 22.09.2022, in which, the learned Tribunal had awarded the award of Rs.7,82,800/- to the legal heirs of the deceased, including the defacto complainant. Though the said case is independent of this criminal prosecution, it is the opinion of this Court that the learned Trial Court ought to have given the benefit of Section 468 of Cr.P.C., to the petitioner herein and categorically taking into consideration the delay of more than 2 years caused in filing the final report and it is observed that e-service was available even then, more particularly, in the pandemic period facilitating the respondent Police to file the charge sheet in an online mode, on time. Having not availed the e-facility, the learned Government Advocate cannot raise strong objection in interfering the impugned order.



CrL.R.C.(MD)No.856 of 2025

8. Accordingly, the impugned order is set aside and the petitioner is discharged from the offence, which he is charged. Hence, this Criminal Revision Case is allowed. No Costs. Consequently, connected miscellaneous petitions are closed.

29.07.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn

To

1. The Judicial Magistrate, Paramakudi, Ramanathapuram District.
2. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrL.R.C.(MD)No.856 of 2025

L.VICTORIA GOWRI, J.

Mrn

CrL.R.C.(MD)No.856 of 2025

29.07.2025