



CRL RC(MD)No.908 of 2025

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 24.07.2025**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**CRL RC(MD)No.908 of 2025**

K.Gomathi

... Petitioner

Vs.

D.Muthuvalavanthan

... Respondent

**PRAYER:** Criminal Revision Petition is filed under Section 438 r/w. 442 of BNSS, 2023, to call for the records relating in CrI.M.P.No.3664 of 2024 on the file of the learned Principal Sessions Court, Madurai, dated 03.06.2025 and set aside the same.

For Petitioner : Mr.S.Ramanathan

**ORDER**

Considering the limited scope of relief sought for, notice to the 2<sup>nd</sup> respondent is dispensed with.

2.Challenging the order passed by the learned Principal Session Judge, Madurai, in CrI.M.P.No.3664 of 2024 dated 03.06.2025, this Criminal Revision Case is filed.

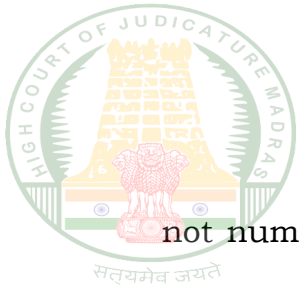


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3.The petitioner herein is the appellant/accused in unnumbered C.A.No.Nil of 2024 in CrI.M.P.No.3664 of 2024 in S.T.C.No.749 of 2016 on the file of the learned Fast Track Court No.I (Magistrate Level), Madurai. On being convicted by the learned Trial Court, the petitioner had preferred a Criminal Appeal along with condone delay petition in CrI.M.P.No.3664 of 2024 in Unnumbered C.A.No.Nil of 2024, seeking to condone delay of 133 days delay in preferring Criminal Appeal against the order dated 14.02.2024, in S.T.C.No.749 of 2016 and the same was allowed on condition that the petitioner shall pay Rs.1,000/- within a period 15 days, failing which the petition would stand dismissed. However, on 03.06.2025, when the petition was taken up, there is no representation on the side of the petitioner and the presence of the respondent is recorded. However, the petitioner was called thrice on the same day and then after recording no representation on the side of the petitioner for non payment of the cost, the petition came to be dismissed by the learned Principal Sessions Judge, Madurai, on 03.06.2025. Challenging the same, this Criminal Revision Case is filed.

4.The learned counsel appearing for the petitioner submitted that it was only because of the communication gap between the counsel and the petitioner. However, he is ready to pay the same. If the Criminal Appeal is



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not numbered, he will be put to irreparable loss and injury and prayed for allowing the Revision Case.

5.In view of the above, this Court hereby set aside the impugned order, on condition that the petitioner should pay a cost of Rs.5,000/- to the respondent within a period of 15 days from the date of receipt of copy of this order, failing which the impugned order would stand revived automatically.

6.In view of the above, this Criminal Revision Case is allowed. No Costs.

**24.07.2025**

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

To

1.The Principal Sessions Judge, Madurai.



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**L.VICTORIA GOWRI, J.,**

Mrn

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