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CrI.M.P.(MD)No.11904 of 2025
CRL.A(MD).SR No.31676 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 21.11.2025

PRONOUNCED ON : 28.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.M.P.(MD)No.11904 of 2025
in
CRL.A(MD).SR No.31676 of 2025

K.Seenivasan

.. Petitioner / Appellant

Vs.

1.The State of Tamil Nadu
represented by
The Assistant Commissioner of Police,
Tiruchirappalli City.

2.The Inspector of Police,
Thillai Nagar Police Station,
Trichy.
In Crime No.540/2021.

3.Saravanakumar

4.Moorthy

.. Respondents/Respondents

PRAYER in CrI.M.P.: Petition filed under Section 5 of Limitation Act to condone the delay of 488 days in filing the appeal against the judgment in Spl.S.C.No.22 of 2022, on the file of I Additional District and Sessions Judge (PCR), Trichy.



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PRAYER IN CRIMINAL APPEAL: Criminal Appeal filed under Section 419 of BNSS to set aside the judgment of acquittal passed by the learned I Additional District and Sessions Judge (PCR), Trichy u/s 306 I.P.C., r/w Section 3(1)(r)(s) of SC/ST(POA) Amendment Act 2015, in Spl.C.No.22 of 2022, dated 20.12.2023.

For Petitioner : Mr.A.P.Muthupandian

For Respondents : Mr.K.Gnanasekaran
Government Advocate(Crl.Side)
for R.1 and R.2

: Mr.T.J.Ebenezer Charles
for R.3 and R.4

ORDER

The above petition has been filed seeking orders to condone the delay of 488 days in filing appeal challenging the judgment of acquittal made in Spl.S.C.No.22 of 2022, dated 20.12.2023, on the file of I Additional District and Sessions Court (PCR), Trichy.

2. The petitioner is the appellant and on the basis of his complaint, F.I.R., came to be registered in Cr.No.540 of 2021, under Section 306 I.P.C., r/w Section 3(1)(r)(s) of SC/ST (POA) Amendment Act, 2015. After filing of the



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charge sheet, the case was taken on file Spl.S.C.No.22 of 2022 and after full trial, the learned Sessions Judge passed a judgment dated 20.12.2023, by holding that the prosecution has not proved the charges against the respondents 3 and 4/accused 1 and 2, acquitted them from the above charges under Section 235(1) Cr.P.C. Aggrieved by the judgment of acquittal, the defacto complainant has filed the above appeal along with an application to condone the delay of 488 days in filing the appeal.

3. The petitioner states in the affidavit that he regularly contacted his Special Public Prosecutor, K.P. Sakthivel, about the sessions case and was told it was pending. He later doubted this and enquired with the respondent police in January 2025, learning the case was disposed of on 20.12.2023. He approached a private counsel on 03.02.2025, got copies on 06.03.2025, and then approached the High Court Legal Service Committee, who nominated Mr.Karthick Kannan as Counsel. The said Counsel returned the nomination, and the present Counsel was nominated on 17.07.2025. The petitioner then filed the present appeal with a delay condonation petition.

4. The respondents 3 and 4 filed a counter affidavit stating that the reason assigned by the petitioner in his affidavit is highly improbable and the same cannot accepted as proper explanation for enormous delay of 488 days, as it is a



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case of appeal against acquittal and double presumption of innocence is in their favour, that there is no evidence against them to prove the charges, that since the petitioner has not given proper explanation and highlighting that he was unaware about the pronouncement of judgment, the application is liable to be dismissed.

5. The second respondent filed a counter affidavit stating that the petitioner claimed as if the Special Public Prosecutor had not informed about the disposal of the case earlier and that was the reason cited for the delay, that the reason canvassed is untenable, as the Special Public Prosecutor cannot be blamed for the delay or negligence by the petitioner, that the petitioner has also claimed as if the delay is due to the Counsel including the earlier Counsel appointed by the Legal Services Authority and that since the reasons for the delay is unacceptable, the petition is liable to be dismissed.

6. When the matter was taken up on 13.10.2025, the learned Counsel for the petitioner requested time for filing better affidavit. But when the matter was taken up on 28.10.2025, the learned Counsel for the petitioner would submit that the reasons for the delay were already stated in paragraph No.4 of the petitioner's affidavit and that therefore, the petitioner could not file better affidavit.



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7. As already pointed out, in paragraph No.4 of the affidavit, the petitioner has alleged that the Special Public Prosecutor informed him that the case was pending and subsequently he came to know from the enquiry made with the respondent police that the case was already disposed of on 20.12.2023. Considering the serious allegations levelled against the Special Public Prosecutor, this Court directed the Registry to call for remarks from the Special Public Prosecutor attached to I Additional District and Sessions Court (PCR), Tiruchirappalli, who conducted the prosecution in Spl.S.C.No.22 of 2022. In pursuance of the same, the learned Special Public Prosecutor submitted a report dated 13.11.2025, wherein he denied the allegations of the petitioner as false and further stated that free legal aid function was conducted on 03.03.2024 by Citizen Vigilance and Monitoring Committee at Community Hall, Vazhavandhankottai Village, Thuvakudi, Tiruchirappalli District and the Special Public Prosecutor has been invited as special guest to deliver a speech to explain the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, that the petitioner/defacto complainant was also present in the said meeting along with other victims, that he delivered his speech and explained the Act in Tamil about the rights and duties and benefits to the victims, that he pointed out the defacto complainant's case as an example, as to how the victims are not properly deposing before the Court and the relevant portion of his report is extracted hereunder:



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"2. I have pointed out defacto complainant's case as example that the victims are not properly deposing evidence in the Court and when they entered in the Witness box, they are afraid and that too in the cross examination the victims give improper answers and I have further pointed out the defacto complainant's case as example that most of the witnesses turn hostile without supporting the defacto complainant case and this is the reason why most of the case ends in acquittal and for the same reason the defacto complainant's case also acquitted and the defacto complainant admitted in the cross examination that the 1" accused was prepared to marry his daughter but the advocate stated that the 1 accused having attained major and thereafter the marriage was solemnized and further admitted that from 28.09.2021 till the date of death of the deceased daughter of defacto complainant on 03.10.2021, the accused persons never met the deceased daughter of the defacto complainant in-between days.

3. Hence, the defacto complainant case Srinivasan ended in acquittal and I have further pointed out that the defacto complainant's wife PW10, Mrs. Valli also did not support the case of prosecution and that is also a reason that the case ended in acquittal.

4. I respectfully submit that the defacto complainant Srinivasan raised a question from public that he requires a Government job for his younger daughter and pension for his wife and in the public I gave assurance that the defacto complainant Srinivasan is lawfully entitled for a job for his daughter and his wife



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also is entitled for receiving pension and I have requested the the defacto complainant Srinivasan to come and meet me in my chamber and assured to take steps to get benefits from the government concerned and this above said fact was acknowledged by the people who participated in the meeting and I have produced the photographs of the defacto complainant Srinivasan that he had participated in the said meeting.

5. I respectfully submit that thereafter the defacto complainant Srinivasan came to my chamber and I have made arrangement for his lawful benefits and I have informed him to submit the petitions to the concemed department of welfare of Adidravidar which is situated in the Trichy Collector's office campus and as per my advise, he has submitted the records to the concerned department and the defacto complainant informed me that he has secured job for his younger daughter in the Government Department and also his wife is receiving pension from the Government.

6. I respectfully submit that the defacto complaint never met in the court or in my chamber after 20 12 2023 and I never gave false assurance to the the defacto complainant Srinivasan that the case is pending and as stated above on 03.03.2024, when he was present in the legal aid meeting and I have informed the acquittal of the case in a proper manner to the defacto complainant. I do not know why he has given false allegations against me and these allegations given by him is known clearly to him that they are false.”



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8. The learned Special Public Prosecutor has also annexed the copies of two photographs to show that the petitioner/defacto complainant was present in the said meeting.

9. When the contents of the report were brought to the notice of the petitioner/defacto complainant, who appeared in person, he raised a new allegation that the Special Public Prosecutor demanded Rs.20,000/- and he paid the said amount for conducting the above Sessions Case. When this Court raised a query about the new allegation, the petitioner submitted that he is raising the above allegation now only and he has not lodged any complaint before any forum till now.

10. It is not the case of the petitioner that he had any disputes or enmity with the said Special Public Prosecutor. It is not the case of the petitioner that he raised complaint against the Special Public Prosecutor for the way in which he was conducting the prosecution. It is pertinent to note that the petitioner either in the affidavit filed in support of the delay condonation petition or in subsequent hearings, has not raised the complaint about the demand of Rs. 20,000/- by the Special Public Prosecutor and the payment made by the petitioner. It is not the case of the petitioner that he sent any complaint against the Special Public Prosecutor before the higher officials of the prosecution



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department or police department or the concerned District administration. As already pointed out, the Special Public Prosecutor in his report has stated that he helped the petitioner in addressing letters to the concerned department for getting a job for his daughter and for getting pension. But the said factum was not at all disputed by the petitioner.

11. It is not the case of the petitioner that he was not at all aware of the pendency of the Sessions case proceedings before the Special Court. Even as per the report of the Special Public Prosecutor, the petitioner as well as his wife had deposed before the trial Court. Admittedly, the judgment of acquittal was pronounced as early as on 20.12.2023. Though the petitioner alleged that he made enquiry with the Special Public Prosecutor, he has not elaborated anything further. Moreover, the petitioner has not assigned any reasons as to why he contacted the Special Public Prosecutor for getting information about the case and not for contacting the concerned police or the Court officials to find out the stage of the case.

12. On considering the entire facts and circumstances, taking note of the allegations made by the petitioner and the report submitted by the Special Public Prosecutor, it is clear that the petitioner's allegations are baseless and the sole ground for the delay. Except the above reason, the petitioner has not canvassed



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any other valid or acceptable reason or explanation for the inordinate delay.

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

13. In the result, the Civil Miscellaneous Petition is dismissed.
Consequently the Criminal Appeal is rejected at the SR stage itself.

28.11.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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To

1. I Additional District and Sessions Court (PCR), Trichy.

2. The Assistant Commissioner of Police,
Tiruchirappalli City.

3. The Inspector of Police,
Thillai Nagar Police Station,
Trichy.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

5. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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PRE-DELIVERY ORDER MADE IN

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