



CRL.MP(MD)No.16205 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 19.11.2025

PRONOUNCED ON : 21.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CRL.MP(MD)No.16205 of 2025
in CRL RC(MD)SR.No.62534 of 2025

Babukumar, S/o.Santhana Raj,
41 C/4, Panai Sankaraiyer Nagar, 4th Street,
Ambasamudram, Tirunelveli District

Petitioner

Vs

State of Tamil Nadu, by its Inspector of Police
District Crime Branch, Thoothukudi

Respondent

PRAYER:- This Criminal Miscellaneous Petition is filed under Section 5 of the Limitation Act, to condone the delay of 1249 days, in filing the Criminal Revision Case in Crl.RC(MD)SR.No.62534 of 2025, against the order of taking cognizance of the case in CC.No.20 of 2021, dated 05.03.2021. by the Judicial Magistrate No.IV, Thoothukudi.

For Petitioner : Mr.A.Ramesh, Senior Counsel

For Respondent : Mr.A.S.Abul Kalam Azaad,
Government Advocate (Criminal Side)



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ORDER

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1. This Criminal Miscellaneous Petition has been filed under Section 5 of the Limitation Act, to condone the delay of 1249 days, in filing the Criminal Revision Case in Crl.RC(MD)SR.No.62534 of 2025, against the order of taking cognizance of the case in CC.No.20 of 2021, dated 05.03.2021, by the Judicial Magistrate No.IV, Thoothukudi.
2. The facts of case, in a nutshell, led to filing of this Criminal Miscellaneous Petition and necessary for disposal of same, are as follows:-
 - (a) The Petitioner herein/the Revision Petitioner is A1, who is facing trial in CC.No.20 of 2021, on the file of the Judicial Magistrate No.IV, Thoothukudi. The allegation against the Petitioner/A1, who was working as the Manager in M/s.Maris Associates, is that he had misappropriated some funds of the said Company Bank and transferred the said amount to his personal Account during the period from 2013 to 2017 and also in the accounts of A2, A3 and A4. On the complaint given by the Director of the said Company, against the Petitioner/A1 and other Accused, A2 to A4, the



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Respondent Police, after investigation, had filed a First Information Report in Cr.No.15 of 2017, for the offences under Sections 408, 420, 465, 468, 471, 120(B) of IPC, against the Revision Petitioner/A1 and his father/A2, his brother/A3 and his friend/A4.

(b) The Judicial Magistrate No.IV, Thoothukudi, vide order dated, 05.03.2021, had taken cognizance of the offences in CC.No.20 of 2021, in a mechanical manner, without considering the evidence on record and the cognizance order is cryptic and non speaking, which is liable to be quashed. Hence, the above Criminal Revision Case in Crl.RC(MD)SR.No.62534 of 2025 has been filed, against the said order, dated 05.03.2021, in CC.No.20 of 2021, of the Judicial Magistrate No.IV, Thoothukudi, taking cognizance of the offences under Sections 408, 465, 468, 471, 420 read with 120(B) of IPC, against the Petitioner/A1, along with this Criminal Miscellaneous Petition, seeking to condone the delay of 1249 days in filing the above said Criminal Revision Case.

(c) The learned Judicial Magistrate No.IV, Thoothukudi, took cognizance against A2, A3 and A4, who are father, brother and



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friend of A1, under Sections 465, 468, 471, 420, 34 and 120(B) of IPC and the Coordinate Bench of this Court, vide judgement, dated, 26.02.2024 in Crl.OP(MD)Nos.5482 and 13312 of 2021 had quashed the case/final report in CC.No.20 of 2021, filed against A2 and A3.

3. This Court heard Mr.A.Ramesh, the learned Senior Counsel for the Petitioner and Mr.A.S.Abul Kalam Azaad, the learned Government Advocate (Criminal Side) for the Respondent and considered their submissions and also perused the entire materials placed on record.
4. The learned counsel for the Petitioner, reiterating the averments made in the affidavit filed in support of this Petition and in the rejoinder affidavit, has made submissions to condone the delay of 1249 days in filing the above Criminal Revision Case, as under:-
 - (a) The delay had occurred due to lack of proper legal advice from the Advocates.
 - (b) The Petitioner was all along waiting for the expert report from the forensic laboratory, which was sent even before filing of the final report, to challenge the final report in entirety. However, he has not



received any such copies from the Trial Court. When that being the reason for the delay caused, the Petitioner is not responsible for the delay caused.

- (c) The delay is neither deliberate nor willful nor wanton. The delay can be condoned, when the same is not caused voluntarily, as no prejudice would cause to neither the complainant nor the defacto complainant.
- (d) After issuance of summons, all the accused were facing trial before the Trial Court. At this stage, the proceedings against the co-accused, A2 and A3, were quashed, by the Coordinate Bench of this Court, vide order dated, 26.02.2024 in CrI.OP(MD)Nos.5482 and 13312 of 2021.
- (e) The impugned order in the Criminal Revision Case, taking cognizance, which is under challenge before this Court, is erroneous, cryptic and non speaking. There are convincing points, in which, the Petitioner has got a fair chance of success in his case.
- (f) In view of the above reasons, this Criminal Miscellaneous Petition may be allowed, by condoning the delay, in the interest of justice.



5. It is contended by Mr.A.S.Abul Kalam Azaad, the learned Government Advocate (Criminal Side) for the Respondent, relying on the counter affidavit filed on behalf of the Respondent that the case is at the stage of trial and substantial steps have already been taken and the Petitioner has been actively participating in the trial proceedings and that therefore, entertaining the present Criminal Revision Case, at this belated stage, would cause grave prejudice to the Prosecution, as the delay has not been properly and satisfactorily explained by the Petitioner.

6. After considering the arguments as advanced by the learned counsel for the parties and on a scrutiny of the averments made in the affidavit filed in support of this Petition and in the rejoinder affidavit and the other materials available on record, this Court is of the view that the reasons assigned by the learned counsel for the Petitioner for condoning the delay appear to be sufficient and convincing and also bona fide. Hence, this Criminal Miscellaneous Petition is liable to be allowed, by condoning the delay, as prayed for.

7. Accordingly, the Criminal Miscellaneous Petition is **allowed**, as prayed for. The delay in filing the present Criminal Revision Case in



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CrI.RC(MD)SR.No.62534 of 2025, against the order of taking cognizance of the case in CC.No.20 of 2021, dated 05.03.2021, by the Judicial Magistrate No.IV, Thoothukudi, is hereby **condoned**.

8. The Registry is directed to number the Criminal Revision Case in CrI.RC(MD)SR.No.62534 of 2025, if it is otherwise in order and list the Criminal Revision Case on 25.11.2025 for orders.

21.11.2025

Index: Yes/No

Web: Yes/No

Speaking/Non Speaking

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To:

1. The Judicial Magistrate No.IV, Thoothukudi
2. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.



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SHAMIM AHMED, J.

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Pre Delivery Order in
CRL.MP(MD)No.16205 of 2025
In CRL RC(MD)SR.No.62534 of 2025

21.11.2025