



Crl.M.P.(MD)No.103 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.103 of 2025

in

Crl.A.(MD)SR.No.43260 of 2024

V.Kalaivani,
W/o.Vanaperumal,
D.No.42, Kalliamman Kovil 2nd Street,
Cinnamanoor,
Theni District.

Petitioner(s)

versus

T.Rajkumar,
S/o.Thirumalairajbalaya,
D.No.63/434, NRT Main Road,
Near Annapparaja Kalayana Mahal,
Theni, Theni District.

Respondent(s)

For Petitioner(s): Mr.B.Jeyakumar, Advocate
For Respondent(s): Mr.A.Joseph Jerry, Advocate

ORDER

This Criminal Miscellaneous Petition is filed to condone the delay of 814 days in filing the Criminal Appeal in Crl.A(MD)SR.No.43260 of 2024.

2. This petitioner has filed a private complaint as against the respondent before the learned Judicial Magistrate, FTC (ML), Uthamapalayam, for the offence under Section 138 of Negotiable Instruments Act, 1881. The complaint of the petitioner herein has been taken cognizance by the learned Judicial Magistrate in C.C.No.22 of

2019. After a full-fledged trial, the learned Magistrate, by Judgment dated 18.07.2022,



Crl.M.P.(MD)No.103 of 2025

WEB COPY

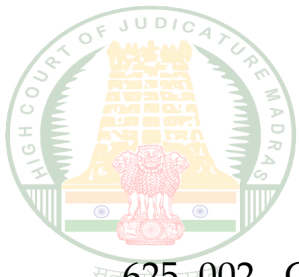
acquitted the respondent from the charge. As against the Judgment of acquittal, the petitioner has preferred an appeal with the delay of 814 days. To condone the same, this Miscellaneous Petition is filed.

3. The learned counsel appearing for the petitioner submits that after receiving the order copy, the petitioner entrusted the bundle along with appeal papers to one Mr.A.Karunanithi, Advocate, for filing criminal appeal. Thereafter, she was under the impression that the appeal would have been filed before the Court. Later, she came to know that the said Advocate died due to his illness. Therefore, there is a delay of 814 days in filing the appeal. The learned counsel also claims that the petitioner is having some arguable points in the appeal and therefore, she must be provided liberty by entertaining the appeal.

4. The learned counsel appearing for the respondent has raised serious objection for allowing this petition.

5. Considering the inordinate delay in filing the appeal and also considering the objection raised by the learned counsel appearing for the respondent, this Court is inclined to allow this petition on payment of cost of Rs.5,000/-.

6. Accordingly, this Criminal Miscellaneous Petition is allowed with a condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees five thousand only) to "The Commissioner, Madurai Corporation, Aringar Anna Maligai, Tallakulam, Madurai



CrI.M.P.(MD)No.103 of 2025

-625-002, Canara Bank, Account No.110197467504, IFSC Code: CNRB0003041,

WEB COPY

MICR Code: 625015017", within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition will automatically stand dismissed. The amount shall be utilized by the Commissioner of Madurai Corporation, for the purpose of making necessary improvements in the Study Centre, Madurai Corporation.

sd/-

18/03/2025

/ TRUE COPY /

/04/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ogy

TO

THE COMMISSIONER,
MADURAI CORPORATION,
ARINGAR ANNA MALIGAI,
TALLAKULAM,
MADURAI - 625 002.

ORDER

IN

CrI.M.P.(MD)No.103 of 2025

in

CrI.A.(MD)SR.No.43260 of 2024

Date :18/03/2025

RS/GSV/SAR-(01.04.2025) 3P 2C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023