



WEB COPY

CRL RC No. 669 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 18-03-2026**

CORAM

**THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

**CRL RC No. 669 of 2026  
and Crl.M.P.No.5117 of 2026**

Divyashree  
W/o. Ashok,  
No.5, Muththamil Nagar,  
Tharapatavelu,  
Katpadi Taluk,  
Vellore District.  
(Now residing at)  
No.8, Muththamil Nagar,  
1st Main Road,  
Tharapatavelu,  
Katpadi Taluk  
Vellore District.

..Petitioner(s)

Vs

Gowthamkumar  
S/o. Moorthy.  
No.22/23, Kattabomman Street,  
Pandiyan Nagar,  
Gudiyatham,  
Vellore District.

..Respondent(s)

**PRAYER:** Criminal Revision Petition filed under Section 438 r/w. 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and set aside the order passed in Crl.M.P.No.426 of 2025 in STC.No.13 of 2026 by the Judicial Magistrate, Gudiyatham dated 27.01.2026 and pas such further or other orders.

For Petitioner(s):

K.Venkateswaran

**ORDER**

This Criminal Revision Petition has been filed to call for the records and set aside the order dated 27.01.2026 passed in CrI.M.P.No.426 of 2025 in STC.No.13 of 2026 on the file of the Judicial Magistrate, Gudiyatham.

2. The learned counsel for the petitioner would submit that the learned Magistrate, while passing the impugned order, condoned a delay of 62 days without assigning sufficient reasons. It is the specific submission of the petitioner that, though it was stated that the petitioner was suffering from viral fever, no supporting medical records were produced and, without any basis, the learned Magistrate condoned the delay.

3. I have given my anxious consideration to the submissions made on either side.

4. Though the learned Magistrate has observed that the claim of illness was not supported by any documentary evidence, he has taken into consideration the other aspects of the case and ultimately arrived at the conclusion that the delay ought to be condoned in order to meet the ends of justice.



5. It is a well-settled principle of law that when the Court below has exercised its discretion in condoning the delay, the higher Court should be slow to interfere with the same. In the case on hand, the delay is only 62 days and the learned Magistrate has also recorded the reasons as to why the delay is to be condoned.

6. In view of the above, and in the light of the decision of the Hon'ble Supreme Court in (1998) 7 SCC 123 in *N.Balakrishnan Vs. M.Krishnamurthy*, this Court does not find any ground to interfere with the impugned order. Hence, this Criminal Revision is dismissed. Consequently, connected miscellaneous petition is closed.

**18-03-2026**

MPA

To

1. The Judicial Magistrate, Gudiyatham.



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**C.KUMARAPPAN, J.**

**MPA**

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