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CRL MP(MD) No. 8187 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 15-06-2026

PRONOUNCED ON : 25.06.2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL MP(MD) No. 8187 of 2025

in

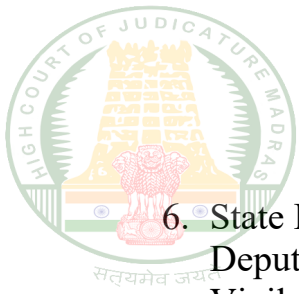
CRL.RC(MD) SR No.12707 of 2025

S.Shanmugasundaram
S/o.N.Seetharaman,
Residing at 16/1, Toovepuram 5th Street,
Thoothukudi-3.

..Petitioner(s)

Vs

1. Ebanesarammal
W/o.N.Periasamy,
73/9, Polpettai,
Thoothukudi.
2. NM.P.Raja
S/o.N.Periasamy,
73/9, Polpettai,
Thoothukudi.
3. N.P.Jegan
S/o.N.Periasamy,
73/9, Polpettai,
Thoothukudi.
4. JeevanJacob Rajendran
S/o.R.P.Packiasundaram,
62/2H, Popettai,
Thoothukudi.
5. Geetha Jeevan
Member of Legislative Assembly at
Thoothukudi Constituency,
W/o.Jeevan Jacob Rajendran,
62/2H, Popettai,
Thoothukudi.
Late N.Periasamy (Died).



6. State Represented by the,
Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
(DVAC), Tirunelveli.
Crime No.3/2002

..Respondent(s)

PRAYER: Petition filed under Section 5 of the Limitation Act seeking to
condone the delay of 839 days in filling the above Criminal Revision as against
the Spl.C.No.2/2019 dated 14.12.2022 on the file of the Learned Principal
Sessions Judge, Thoothukudi District and thus render justice.

For Petitioner(s): Mr.K.Jeyamohan

For Respondent(s): Mr.R.Rajarathinam Senior Counsel
for Mr.V.S.Venkatesh for R1, R3

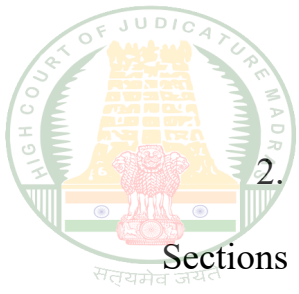
Mr.R.Rajarathinam Senior Counsel
for Mr.V.Maliyendran for R2

Mr.R.Rajarathinam Senior Counsel
for Mr.N.Anandha Kumar for R4

Mr.B.Kumar Senior Counsel
for M/s.C Bhargavi For R5

ORDER

This petition has been filed to condone the delay of 839 days in filing the
criminal revision as against the judgement of acquittal passed in Spl.
Case.No.02 of 2019 dated 14.12.2022 on the file of the learned Principal
Sessions Judge, Thoothukudi District. Thereby acquitted the respondents 1 to 5
therein.



2. The respondents 1 to 5 herein were charged for the offences under Sections 109 read with Section 13(2) read with Section 13(1)(e) of Prevention of Corruption Act, 1988 in Spl.SC.No.02 of 2019 on the file of the Principal Sessions Judge, Thoothukudi. The trial Court by judgement dated 14.12.2022 acquitted the respondents. The petitioner, being a tax payer residing in Tuticorin and also a practicing advocate, filed the revision case as against the order of acquittal passed by the trial Court with a delay of 839 days in filing the criminal revision. The accused persons are also the residents of Tuticorin and the 5th respondent was elected as MLA in Tuticorin constituency. In such event, the offence of money laundering is an offence against the general public as the amount that were misappropriated are tax payers' money. Therefore, petitioner claimed to be a victim as loss suffered during the course of commission of such offences are the money of the general public. Hence, he preferred the present revision.

3. The learned counsel for the petitioner submitted that the trial Court acquitted the respondents 1 to 5 on 14.12.2022, however the 6th respondent did not prefer any appeal as against the order of acquittal, and after waiting till 23.02.2024, the petitioner filed a copy application seeking certified copies of FIR, final report, statements recorded under Section 161 of Cr.P.C., depositions, exhibits and judgment passed in Spl. S.C.No.02 of 2019 on the file of the file of the learned Principal Sessions Judge, Thoothukudi. However the copy



application was returned and the petitioner was refused to be provided with certified copies of the documents and thereafter the petitioner filed a petition before the Madurai Bench of this Court in CrI.O.P.MD.No.7350 of 2024 challenging the order of refusal of documents, wherein Hon'ble Judge directed the trial Court to provide the copies of the same and accordingly the petitioner was provided with fresh copy application on 06.07.2024 and the petitioner was served with certified copies of documents on 22.07.2024. However, the petitioner was not served with Ex.P.376 to 378 and therefore, once again, the petitioner filed another copy application on 04.01.2025 and the petitioner was provided with certified copies of Ex.P.376 to 378 on 20.01.2025 and thereafter, the petitioner preferred this petition with a delay of 839 days in filing the criminal revision as against the order of acquittal by the trial Court.

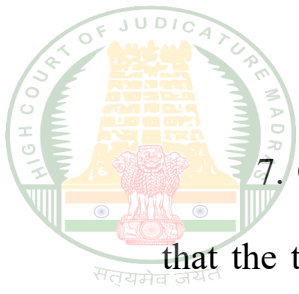
4. Heard the learned Senior Counsels appearing for the respondents and perused the materials available on records.

5. It is seen from the submissions that the petitioner has no locus *standi* to challenge the order of acquittal that too with a huge delay of 839 days. The petitioner is not an aggrieved party and as such he has no locus *standi* to challenge the order of acquittal. Further, the petitioner did not even state any grounds to set aside the order of acquittal. The affidavit filed in support of the condone delay petition does not even whisper about the valid ground to explain



huge delay in filing the revision case. The judgement was passed as early as on 14.12.2022 and the petitioner waited till 23.02.2024 and he filed application only on 24.02.2024 and subsequently, this Court directed him submit fresh application and directed the trial Court to provide copies and immediately, the petitioner was provided with all documents which were sought by the petitioner on 22.07.2024. However, the petitioner preferred this revision with a condone delay petition only on 19.03.2025 and there is absolutely no explanation for the delay caused even after the receipt of relevant documents to prefer the revisions case.

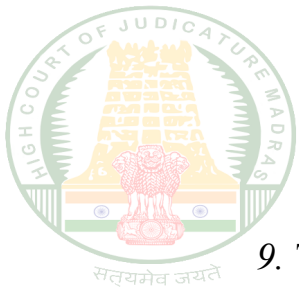
6. The provisions under Section 372 of Cr.P.C gives a right to “Victim” to prefer appeal. The definition of victim is in section 2(wa) of Cr.P.C., and it states that “victim” is a person who has suffered any loss or injury caused by the act or commission of an accused persons. The Court does not enable a “Victim” to file a revision case against acquittal. Further, nothing is mentioned in the affidavit filed in support of condone delay petition as to how the findings of the trial Court is erroneous or whether there was any perverse appreciation of evidence or non-consideration of any evidence or whether there is any glaring defect in the procedure or any manifest error on a point of law and consequently whether there has been a flagrant miscarriage of justice. In fact, this Court shall entertain the revision order against the order of acquittal only on such exceptional cases as stated above.



7. On perusal of the judgement passed by the trial Court, it can be seen that the trial Court had acquitted the accused upon conducting a full fledged trial. The prosecution has miserably failed to prove the charges against the respondents under Section 109 read with section 13(2) read with Section 13(1) (e) of the Prevention of Corruption Act, 1988 that they had intentionally aided the public servant deceased A1 by holding properties or pecuniary resources in their names on behalf of A2 which were disproportionate to the known source of income of A1, beyond all reasonable doubts. Further, the respondents 1 to 5 have satisfactorily accounted the properties and documentary resources in their names shown by the prosecution and it was conclusively proved that they had independent source to acquire the properties.

8. Further, the Hon'ble Supreme Court of India in the case of **Ajit Singh Takur Singh And Another Vs. State of Gujarat** reported in (1981) 1 SCC 495 held as follows:

When a party allows limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before limitation expired it was not possible to file the appeal within time. No event or circumstance arising after the expiry of limitation can constitute such sufficient cause.



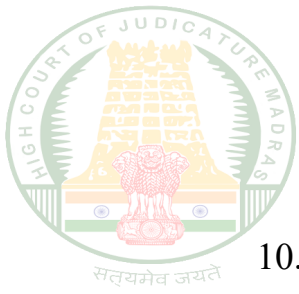
9. The Hon'ble Supreme Court of India in the case of **Thirunagalingam**

Vs. Lingeswaran & Anr reported in SLP (C) No.17575 of 2023 held as follows:

31. It is a well-settled law that while considering the plea for condonation of delay, the first and foremost duty of the court is to first ascertain the bona fides of the explanation offered by the party seeking condonation rather than starting with the merits of the main matter. Only when sufficient cause or reasons given for the delay by the litigant and the opposition of the other side is equally balanced or stand on equal footing, the court may consider the merits of the main matter for the purpose of condoning the delay.

32. Further, this Court has repeatedly emphasised in several cases that delay should not be condoned merely as an act of generosity. The pursuit of substantial justice must not come at the cost of causing prejudice to the opposing party. In the present case, the respondents/defendants have failed to demonstrate reasonable grounds of delay in pursuing the matter, and this crucial requirement for condoning the delay remains unmet.

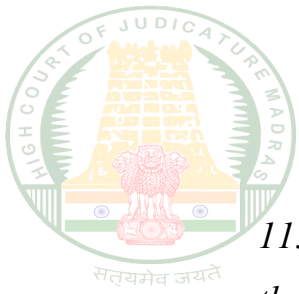
33. Therefore, in the case at hand, once it has been established that the reasons provided for condoning the delay in the application filed are not sufficient, we are not inclined to go into the merits of the contentions raised by the learned counsel of Respondents regarding [Section 14](#) of the Limitation Act, 1963.



10. The above judgment is squarely applicable to the case on hand. The petitioner failed to state sufficient cause or reasons to condone the huge delay of 839 days. The revision itself is not maintainable as against the order of acquittal. Admittedly, petitioner is the third party to the criminal case and the only way to maintain a revision, is through the right of subrogation, which is nothing but stepping into the shoes of the State or the defacto complainant which is not permissible in a criminal proceedings.

11. Further, it is a settled proposition of law that a criminal proceedings cannot be abused as an instrument of wreaking a private vengeance either for political reason or otherwise by a third party to the criminal proceedings. Therefore, the third party to the criminal proceedings is not legally entitled to maintain criminal revision against discharge or acquittal recorded by the Trial Court.

12. It is relevant to rely on the judgment of the Hon'ble Supreme Court of India in the case of **Harsh Mandar Vs. Amit Anilchandra Shah and others** reported in **(2017) 13 SCC 420**, wherein it is held as follows:



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11.42. Reverting to the case in hand, it is not in dispute that the applicant is neither a victim nor an aggrieved person. He is not in any manner connected with the proceedings pending before the learned Session Court, Greater Bombay. The applicant has not suffered any prejudice and has not demonstrated that his legal rights are impaired or any harm/injury is caused to him or is likely to be caused. The applicant has thus not been able to demonstrate that his legal right has been invaded so as to give him locus standi to challenge the order.

43. The applicant who claims to be a socially responsible citizen has allegedly filed his application for preventing abuse of process of court. It is pertinent to note that though the alleged incident had occurred in the year, 2005, and no case was registered against Respondent 1 and the other police officers, the applicant herein had not shown any interest to set the criminal law in motion. The said crime was registered only pursuant to the directions given by the Honourable Supreme Court in view of the letter of grievance made by Rubabbuddin, the brother of the deceased”.

12. It is clear from the above judgments that a rank third party to the proceedings who is neither a victim nor an aggrieved person, cannot be permitted to prosecute criminal proceedings. In the present case, it is not in dispute that the petitioner forum is neither a victim nor an aggrieved person. This petitioner is in no way connected with the proceedings that was initiated by the Sub Divisional Magistrate in the year 2014. The petitioner forum has not suffered any prejudice and its right are not in any way



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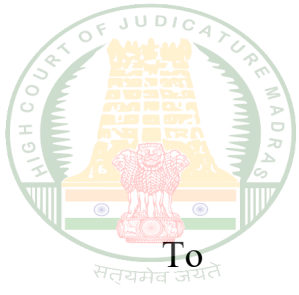
impaired or it is not a case where the aggrieved person/victim is not able to approach this court and on their behalf the forum is ventilating their grievance. It is very important for this Court to bear in mind that this Court is not dealing with a public interest litigation in this case and the power of this Court is well define under the code of Criminal Procedure and this Court cannot act beyond the four corners of law.

Thus, a private party has no jurisdiction to invoke revisional power of this Court. As stated supra, petitioner failed to show sufficient cause for the delay of 839 days while filing this revision.

13. In view of the above, this Court finds no sufficient cause to condone the delay of 839 days in filing the criminal revision case against the Spl.C.No.2 of 2019 dated 14.12.2022. Hence, this Criminal Miscellaneous Petition is dismissed. Consequently, the Criminal Revision Case in CrI.RC(MD) Sr.No.12707 of 2025 is closed.

25.06.2026

SMA



To

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1. Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
(DVAC), Tirunelveli.
2. Principal Sessions Judge, Thoothukudi District



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G.K.ILANTHIRAIYAN, J.

SMA

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