Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 14574 of 2026
and CRL A SR No. 43306 of 2026

H.M.Geetha

..Petitioner(s)

Vs

V.N.Balaji

..Respondent(s)

CRL A SR No. 43306 of 2026

Case QR

CNR:{HCMA011595852026}

H. M. Geetha

..Appellant(s)

Vs

V. N. Balaji

..Respondent(s)

Prayer in CRL MP/14574/2026: The petition has been filed under Section 5 of the Limitation Act, to condone the delay of 1062 days in filing the above Criminal Appeal against the Judgement of Crl A No. 08 of 2022 dated 15-06-2023 on the file of Additional Sessions Judge, Krishnagiri.

Prayer in CRL A SR/43306.2026: The Criminal Appeal has been filed under Section 413 of BNSS Act, 2023, to set aside the Judgment in Crl.A.No.08 of 2022 dated 15.06.2023 on the file of Additional Sessions Judge, Krishnagiri reversing the order in STC.No.1229 of 2017 on the file of Judicial Magistrate-I, Krishnagiri dated 12.04.2022.

For Petitioner(s): Mr.R.Karthikeyan

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For Respondent(s): Mr. B.Vasanth

Order

The petition has been filed to condone the delay of 1062 days in filing the appeal challenging the Judgment of acquittal.

2.The only reason stated by the petitioner for the delay in filing the appeal, in the affidavit, reads as below;

> *"10.I submit that during the pendency of appeal and after delivering the Judgment in appeal, the respondent herein was in regular nexus with me and my son and further promised as to repaying the debt in monthly basis. In order to substantiate the same the respondent herein had gave assurance that he wont withdraw the deposited amount of Rs.1,00,000/- which is nothing but the direction dated 14.09.2022 in Crl.MP.No.2030 of 2022 directing the respondent herein to deposit the 20% of cheque amount i.e. hereby one lakh rupees on the file of trial Court.*
>
> *11.I humbly submit that it is pertinent here to note that even after the appellate court acquitted the respondent on 25.01.2023 he kept his words by not withdrawing the said deposited amount till 24.05.2026. Further I am being a senior citizen I couldn't able to follow with the repayment as promised by the respondent herein since I am undergoing a medical treatment for my bodily ailment in*

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weekly basis. Unfortunately, the respondent herein to my shock and surprise had withdrawn the said deposited amount of Rs.1,00,000/- from the trial court without even bringing the same to my knowledge. Since I have received evasive answers from the side of respondent after questioning about the aforesaid act I came to know that I was purposefully deceited by the respondent and tactically prevented myself from preferring the revision outline i.e. within the period of limitation."

3.The learned counsel for the petitioner/appellant would submit that since the respondent had promised the petitioner that he would settle the amount, the petitioner had not preferred any appeal and since the petitioner had explained the reasons for the delay, the delay may be condoned notwithstanding that the delay is 1062 days.

4.The learned counsel for the respondent however, would object to the said averment by stating that the respondent had not given any such assurance to the petitioner; that the averment that the respondent promised to settle the amount after he was acquitted is improbable; that only after the respondent sought permission to withdraw the deposited amount of Rs.1,00,000/-, the petitioner had preferred this appeal; and since the reasons for the delay is not satisfactory, prayed that the petition may be dismissed.

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5.As stated above, the only reason stated by the petitioner in the affidavit, which is extracted above, is that the respondent promised the petitioner that he would not withdraw the sum of Rs.1,00,000/- deposited to the credit of STC.No.1229 of 2017. This Court is unable to comprehend as to how that could be a reason for not filing the appeal against acquittal. That apart, on perusal of the impugned Judgment, this Court finds no infirmity whatsoever in the Judgment acquitting the respondent. The delay is huge. Since the petitioner has not satisfactorily explained the reasons for the delay, this Court is not inclined to allow this petition.

6.Hence, the Petition is dismissed. Consequently, the Criminal Appeal is dismissed at the SR stage itself.

11-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

To

1.The Additional Sessions Judge,
Krishnagiri.

2.The Judicial Magistrate-I,
Krishnagiri.

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SUNDER MOHAN J.

TSG

CRL MP No. 14574 of 2026
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