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Crl.R.C.No.2482 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2026

CORAM

THE HONOURABLE MR.JUSTICE **SUNDER MOHAN**

**Crl.R.C.No.2482 of 2025**  
**& Crl.M.P.No.22027 of 2025**

1.Thangavel

2.Rajesh Kumar

...

Petitioners

Vs.

State represented by,  
The Inspector of Police,  
Singanallur Police Station,  
Coimbatore City.  
(Crime No.245 of 2024)

...

Respondent

**Prayer:** Criminal Revision Petition filed under Sections 438 and 442 of BNSS Act, 2023, to call for the records in S.T.C.No.5142 of 2025, on the file of the Judicial Magistrate No.III, Coimbatore and set aside the docket order dated 10.09.2025 by allowing this revision.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.R.Vinothraja,  
Government Advocate(Crl. Side)



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## **ORDER**

The Revision challenges the order dated 10.09.2025 passed by the learned Magistrate taking cognizance of the offence under Sections 294(b) and 323 IPC as against the petitioners.

2.The alleged occurrence is said to have taken place on 18.04.2024 and the complaint was was registered on the file of the respondent on 11.05.2024 for the offences under Sections 294(b) and 323 IPC. The learned Magistrate had taken cognizance of the offences on 10.09.2025. The final report of the respondent was filed on 26.08.2025.

3.The learned counsel for the petitioner would submit that the impugned order taking cognizance cannot be sustained in the absence of any petition filed by the prosecution seeking condonation of delay in filing the final report; that the offence under Section 294 (b) Cr.P.C., is punishable with three months imprisonment and the offence under Section 323 IPC is punishable with one year imprisonment. As per 468(2)(b) Cr.P.C., the final report has to be filed within a period of one year from the date of commission of the offence.



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4.The learned Government Advocate (Crl. Side), on instructions, submits that the final report was filed on 26.08.2025 and that it was filed beyond the period of one year from the date of filing the FIR.

5.The learned Magistrate by the impugned order has observed that the date of cognizance is not relevant, which is in accordance with the Judgment of the Hon'ble Supreme Court. However, the learned Magistrate has observed in the order that the charge sheet is dated 11.05.2024, which is contrary to the facts. It is the FIR which is dated 11.05.2024 and the charge sheet was filed on 26.08.2025 admittedly. Therefore, the final report was filed beyond the period of limitation. The learned Magistrate ought to have considered these facts before taking cognizance.

6.Hence, the impugned order taking cognizance is set aside. However, liberty is given to the respondent to represent the final report, with a condone delay petition, if so advised.



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7. Accordingly, the Criminal Revision Case is allowed.

**28.01.2026**

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

To

1. The Judicial Magistrate No.III,  
Coimbatore.
2. The Inspector of Police,  
Singanallur Police Station,  
Coimbatore City.
3. The Public Prosecutor,  
High Court of Madras,  
Chennai.



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**SUNDER MOHAN, J.**  
Tsg

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**28.01.2026**