



WEB COPY

CRL RC No. 2673 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2673 of 2025

R.Raja S/o.Rajendran,
Govindapadi Post,
Kolathur Via,
Mettur Taluk, Salem District.

..Petitioner

Vs

Manikandan S/o.Sithayan,
D.No.1/1-180, Thinnapatti Village,
Pannavadi Post, Paricelthurai,
Mettur Taluk, Salem District.

..Respondent

To set aside the dismissal order passed in Crl.MP.No.1567 of 2025 dated 22.08.2025 on the file of the Principal District and Sessions Court, Salem.

For Petitioner: Mr.C.Deepakkumar

For Respondent: No appearance

ORDER

The revision has been filed challenging the order passed by the learned Principal Sessions Judge, Salem dismissing the petition filed by the petitioner seeking to condone the delay of 111 days in filing the Appeal against the judgment of conviction and sentence passed in C.C.No.193 of 2024 on the file of the Judicial Magistrate I, Mettur.



2. The petitioner, who was convicted for the offence under Section 138 of the Negotiable Instruments Act, had preferred an Appeal before the Sessions Court, Salem. The said appeal was filed with a delay of 111 days and hence, the petitioner had filed a petition in Crl.M.P.No.1567 of 2025 seeking condonation of such a delay. The said petition was dismissed on the ground that there was no representation for the petitioner for three hearings.

3. Learned counsel appearing for the petitioner submits that since the petitioner has got statutory right to appeal against conviction, the learned Judge ought not to have dismissed the petition seeking condonation of delay; that the petitioner's counsel was ill and therefore, the petitioner could not be represented and the petitioner's absence is neither wilful nor wanton and unless the delay is condoned, the petitioner's valuable right to challenge the judgment of conviction would be lost.

4. Though the respondent has received notice and his name is printed in the cause list, none has entered appearance.

5. It is seen from the impugned order that there was no representation for the petitioner for nearly three hearings and hence, the learned Sessions Judge has dismissed the petition seeking to condone the delay. Such a conduct of the petitioner cannot be appreciated. The petitioner, who is facing a judgment of conviction, ought to have been more vigilant. However, it is seen that it is the case of the petitioner that his counsel fell ill. Hence, in order to give one more opportunity to the petitioner to challenge the judgment of conviction passed



against him, this court is inclined to set aside the impugned order against him.

The Principal Sessions Judge may consider the petition for condonation of delay on its own merits and pass appropriate orders.

6. With the above observation, the Criminal Revision Case is allowed.

06-01-2026

ssk

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. Principal District and Sessions Court, Salem.

2. Judicial Magistrate I, Mettur.

3. Manikandan S/o.Sithayan,
D.No.1/1-180, Thinnapatti Village,
Pannavadi Post, Paricelthurai,
Mettur Taluk, Salem District.



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SUNDER MOHAN, J.

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