

Petitioner Vs. Respondent

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Court : Chennai Madurai

Decided On : Jun-16-2016

Judge : The Honourable Dr. Justice P. Devadass

Appeal No. : Crl.M.P.(MD) No. 45 of 2016 in Crl.R.C.(MD)No. SR 33299 of 2015

Appellant : Petitioner

Respondent : Respondent

Judgement :

Dr. P. Devadass, J.

1. Mehalingam, party-in-person, who belongs to Thenkarai Village in Periyakulam seeks condonation of delay of 59 days, caused in preferring revision as against the order passed by the learned Principal Sessions Judge, Theni in Crl.M.P. No.3429 of 2014 in Crl.R.P.No.5 of 2014.

2. The party in person seeks an opportunity. And he requests this Court to condone the said delay.

3. The respondent filed counter.

4. The learned counsel for the respondent would submit that now the petitioner's whole exercise is needless, futile and it is taking a toll of public time.

5. I have anxiously considered their submissions and perused the materials on record.
6. Megalingam filed a criminal case against Anitha then R.D.O., Periyakulam with regard to issuance of some certificate with respect to one Amina @ Aniz Fathima as he thought that some irregularity has been committed. It was taken cognizance in C.C.No.52 of 2013 by the learned Judicial Magistrate, Periyakulam. Anitha wanted to bid good-bye to the case. She sought for her discharge from the case. But the learned Magistrate dismissed her discharge petition. Without losing hope she moved the Principal Sessions Judge, Theni by way of a revision petition. However, by the time 217 days has elapsed.
7. In the circumstances, in the said Court, Anitha filed Cr.M.P.No.3429 of 2014 to condone the said delay. It was considered and allowed by the learned Principal District Judge. She filed revision petition No.5 of 2015 wherein canvassed the correctness of dismissal of her discharge petition.
8. Megalingam followed her. He wished to challenge the order of the learned Principal Sessions, Theni passed in Cr.M.P.No.3429 of 2014. However, by the time 59 days of delay has passed. Now in the present petition, he wants condonation of this delay.
9. In delay condonation matters Courts almost take a liberal attitude. They used to be very kind in these matters. But some time they have to be unkind. If the matter is in the nature of wasting time of Court and it will not serve any purpose even at its infancy such petitions can be dismissed.
10. Now, Megalingam wants to challenge the condonation delay accorded to Anitha in Cr.M.P.No.3429 of 2014, it is intended to file a revision. She has filed a revision. Subsequently, Anitha had not pressed the criminal revision. It was dismissed accordingly. Further, the very Calender Case itself had gone to cold storage because the entire proceedings therein were stalled by a stay order of this Court passed in the quash petition in Cr.O.P.(MD) No.6968 of 2016 filed by Anitha.

11. Courts cannot show their indulgence for futile exercises. In the circumstances, when the revision petition filed by Anitha itself had gone, no useful purpose will be served in condoning the delay in filing the revision by the petitioner.

12. In this view of the matter, there is no point in condoning the delay. Consequently, the delay condonation petition is dismissed.

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