

IN THE COURT OF SESSIONS, ERNAKULAM DIVISION

Present:-

Sri. K.K.Balakrishnan, Sessions Judge

Monday, 6th day of April, 2026/16th Chaithra, 1948

Crl.MP No.01/2026 in Criminal Revision Petition No.17/2026

(Arising out of the order dated 05.08.2025 in ST No.974/2021 on the file of the Judicial First Class Magistrate Court, Kalamassery)

**Petitioner/Revision
Petitioner/
Complainant:**

Zakhil Suresh, aged 36 years, S/o.Suresh.K.P., residing at 1110 Oak Wing, Salarpuria Sattva Greeange, Bommanahalli, Bangalore-560068.

By Advs.Shaniba T T, Fathima Rizana

**Respondent/Respon
dent/
Accused/State:**

1. Jeevan Thomas Manakkal, SMM XII/59, Manakkal House, Father George Vakayil Road, Marad.P.O., Ernakulam District-682304.
2. State of Kerala, represented by Public Prosecutor, District & Sessions Court, Ernakulam-682011.

R2 by Public Prosecutor Sri. Manoj G Krishnan

This petition filed under Section 5 of the Limitation Act to condone the delay of 92 days in filing this petition.

This petition coming on for hearing on 04.04.2026 and the Court on 06.04.2026 passed the following:

ORDER

This petition filed by the revision petitioner, to condone delay of 92 days in filing the appeal against the order in S.T.No.974/2021 dated 05.08.2025 passed by the Judicial Magistrate of the First Class, Kalamassery. The respondent herein is

the accused in the above said case.

2. In the affidavit attached with the petition counsel for the revision petitioner submitted as follows:- The revision petitioner is the complainant in S.T. No.974/2021 on the files of the Court of the Judicial Magistrate of the First Class, Kalamassery. The order dismissing the complaint for default was passed by the learned Magistrate on 05.08.2025. The period of limitation for filing appeal was expired on 03.11.2025. The petitioner was unaware about the passing of the said order due to clerical mistake in noting posting dates. Only on 19.01.2026 he came to know the dismissal of the complaint. After complying with the necessary formalities, he received the certified copy of the order on 12.02.2026. Thereafter, the Criminal Revision Petition has been prepared and filed on 27.02.2026. Hence the delay of 92 days in filing the revision petition. There is no willful laches or negligence on his part in filing the revision petition on time. So, pleaded to condone the delay.

3. Notice served to the first respondent, his name called. As he was absent, heard the petitioner's counsel and prosecution.

4. The only point for consideration is, whether the reason for delay stated by the petitioner is sufficient cause u/s.5 of Limitation Act?

5. The Point:- The petitioner submitted that the delay in filing revision petition is due to clerical error in noting down the posting date of the order of the learned Magistrate dated 05.08.2025. So, he pleaded to condone the delay to admit the revision petition.

6. I have perused the available records. The case was dismissed by the trial court on 05.08.2025 for default, as the revision petitioner was absent and for the reason of no representation on that day. The reason for delay stated by the petitioner for filing the revision petition within time is that the

error in noting down the posting date of the case. Eventhough the petitioner did not produce any document proving his contention, considering the object behind the Limitation Act, I hold that the reason stated in the affidavit is sufficient to condone the delay. So, delay of 92 days in filing the revision petition against the order of the trial court is to be condoned.

In the result, the petition is allowed and delay in filing the revision petition is condoned.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 6th day of April, 2026).

Sd/-
K K Balakrishnan
Sessions Judge

Typed by: sm
Comp.by:

**Criminal MP No.01/2026 in
Crl.Rev.Petition No.17/2026
Order dated: 06.04.2026**