

IN THE COURT OF SESSION, ERNAKULAM DIVISION

Present:-

Sri K K Balakrishnan, Sessions Judge

Friday, the 5th day of June 2026/15th Jyaishta, 1948

Crl. M.P. No.1 of 2026 in Crl.Rev Petition No 18 of 2026.

(Arising out of the order dated 05.08.2025 in ST No 973/2021 on the file of the Judicial First Class Magistrate Court, Kalamassery)

Petitioner/ Revision
Petitioner/
Complainant:

Zakhil Suresh, aged 32 years, S/o. Suresh K P, residing at 1110 Oak Wing, Salarpuria Sattva Greenage, Bommanahalli, Bangalore-560 068.

By Advs. Shaniba T T & Fathima Rizana.

Respondents /
Accused / State:

Jeevan Thomas Manakkal, SMM XII/59, Manakkal House, father George Vakayil Road, Maradu P O, Ernakulam District-682 304.

By Public Prosecutor Sri. Manoj G Krishnan.

The petition coming on for hearing on 05.06.2026 and the court on the same day, passed the following:-

ORDER

This petition filed by the revision petitioner, to condone delay of 100 days in filing the appeal against the order in S.T.No.973/2021 dated 05.08.2025 passed by the Court of 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.973/2021 on the files of the Court of 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 revision petition was expired on 03.11.2025. He 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 100 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 R1 in the correct address. But the notice returned reporting that he left the place. The learned counsel for petitioner submitted total 13 case are pending against the R1 and he is appearing in 9 cases before the trial court. So considering above fact notice issued in his correct address is treated as served.

4. Heard petitioner and learned Public Prosecutor.

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

6. 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.

7. 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 there was no representation for him 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. Even though 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 100 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 5th day of June, 2026).

**Sd/-
K K Balakrishnan
Sessions Judge**

SM/-
comp. By:

Crl. M.P. Nos.1 /2026 Crl..Rev Pet. 18/2026
Order dated:05.06.2026