

*In the Court of the Principal Sessions Judge, Madurai  
Present: Thiru. S. Sivakadatcham, B.Sc., M.L.,  
Principal Sessions Judge, Madurai*

*Tuesday, this the 10<sup>th</sup> day of June, 2025*

*Crl.M.P.No.6789/2023*

*in*

*Unnumbered Crl. Appeal No.../2023  
(CNR No.TNMD01-011545-2023)*

*G. Vidhya  
D/o. Gopalan*

*...Appellant / Petitioner/  
defacto-complainant*

*/vs/*

*1. Nishanth*

*2. Ramachandran*

*3. Usharani*

*4. The Inspector of Police,  
AWPS South, Madurai.*

*...Respondents /A1 to A3*

*...4<sup>th</sup> respondent/complainant*

*This petition coming on 05.06.2025 before this Court for final hearing in the presence of Thiru.G. Anto Prince, Advocate for the Petitioner and of Thiru.N.S. Karthikeyan and Thiru.M.Praveen, Advocate for the respondents 1 and 3 and of Thiru. M.A. Palanisamy, Public Prosecutor for the 4<sup>th</sup> respondent and the 2<sup>nd</sup> respondent called absent and set exparte and upon hearing the arguments of both sides, this court has passed the following:-*

**ORDER**

*The petition is filed under Section 5 of Limitation Act to condone the delay of 80 days in filing the Criminal Appeal against the Judgment dated 06.06.2023 passed in C.C.No.164/2018 by the learned Judicial Magistrate, Additional Mahila Court, Madurai.*

**2. The averments in brief of the petition is as follows:**

*The petitioner has filed criminal appeal against the Judgment passed by the Additional Mahila Court, Madurai in CC.No.164/2018 dated 06.06.2023. The 1<sup>st</sup> respondent is the husband of the petitioner. The 2<sup>nd</sup> respondent is the father-in-law and 3<sup>rd</sup> respondent is the mother-in-law of the petitioner. Due to matrimonial dispute, the petitioner was verably and physically abused by the respondents 1 to 3 and also she sustained injury. So, the petitioner lodged complaint with 4<sup>th</sup> respondent and the case was conducted in CC.No.164/2018 on the file of the Additional Mahila Court, Madurai. After trial, the respondents 1 to 3 were acquitted from the charges. Now, the petitioner is living in Hyderabad. She is a student trying to support her family and she is unable to file the appeal within the stipulated period and that there is delay of 80 days. The delay is inadvertent and it is neither willful nor wanton. If the delay is not condoned, the petitioner will be put to irreparable loss and hardship and hence this petition.*

**3. The averments in the counter affidavit filed by the 3rd respondent and adopted by the 1<sup>st</sup> respondent are in brief as follows:-**

*The petition is not maintainable either law or on facts. The petitioner has filed the present petition without assigning any valid reason for the delay of 80 days. The petitioner's father is a retired employee of Excise Department, Central Government. The petitioner's mother is a retired Canara Bank employee and her sister is also IT company employee. Hence, there is no need to support of the petitioner to her family physically and financially. As far as delay is concerned,*

*each and each delay has to be explained with proper and valid reasons. In order to harass the respondents, the petitioner has filed several false cases against the respondents in Tamilnadu, Karnataka, Telungana and New Delhi. Already, the petitioner filed DVC No.121/2016 on the file of Additional Mahila Court, Madurai against the respondents. Again, the petitioner filed DVC No.148/2022 on the file of V. Additional Metrop, Hyderabad as against respondents herein as well as elder son Prasanth. The respondents were acquitted in CC.No.164/2018 on 06.06.2023. Thereafter, on 21.06.2023 the petitioner withdrawn the case in DVC No.121/2016, which was posted for judgment on 21.06.2023. Again, the petitioner filed a Special Leave Appeal (Civil) Nos.18471 and 18477/2023 before the Hon'ble Supreme Court of India and the same are pending. Further, the petitioner has filed maintenance case in M.C.No.1231/2022 against the 1<sup>st</sup> respondent before the Family Court, Hyderabad. The petitioner is regularly appearing before the court at Bangalore in criminal cases in CC.No.14070/2017 and CC No.1230/2022. After disposal of CC.No.164/2018, the petitioner is regularly appearing before the courts in 3 states including the Family Court, Madurai in SMOP.No.14/2016. The petitioner has filed this petition without any valid reason and the same is filed with ulterior motive to harass the respondents. The petitioner filed various vexatious applications in various courts without stating the reason and suppressing the material fact. Hence, the petition is liable to be dismissed.*

4. *The learned Public Prosecutor for 4<sup>th</sup> respondent endorsed as 'no counter.'*

**5. The point for determination:**

*Whether this petition is to be allowed or not?*

*6. Both sides have not adduced either oral evidence or documentary evidence. Heard both sides.*

**7. Point:**

The learned counsel for the petitioner has advanced argument that the petitioner is wife of the 1<sup>st</sup> respondent, since the petitioner was tortured by the 1<sup>st</sup> respondent and his family members, she lodged police complaint and criminal case was registered against the respondents 1 to 3, but, the respondents were acquitted from the case. It is further contended that the petitioner is residing at Hyderabad and she is a student and so she was unable to file the appeal within time, so there is delay of 80 days in preferring appeal and the delay may be condoned.

8. On the other hand, the learned counsel for the respondents 1 and 3 has advanced argument that the petitioner has been harassing the respondents by way of filing various kinds of cases before various courts in Madurai, Banglore and Hyderabad. It is further contended that the petitioner is not a student, she is a working person. Her father is retired government employee, her mother is retired bank manager and her sister is working in IT Field and so, she has sufficient means. It is further contended that the petitioner has not properly explained each and every days delay of 80 days, the petitioner has filed this petition only to harass the respondents 1 to 3. The petitioner has not stated valid reason. The petition may be dismissed.

9. Records perused. On perusal of petition, affidavit it is averred that the petitioner has lodged a police complaint against the respondents 1 to 3 before the 4<sup>th</sup> respondent police station. A case was registered in Cr.No.6/2018 u/s 294(b), 323, 506(i) of IPC and u/s 4 of TNPWH Act against the respondents 1 to 3. The case was taken on file as C.C.No.164/2018 by the learned Judicial Magistrate, Additional Mahila Court, Madurai. The 4<sup>th</sup> respondent/prosecution has examined 8 witnesses as P.W.1 to P.W.8 and marked Ex.P.1 to P.4. On the side accused side, no witness was examined, however Ex.D.1 was marked. The learned Judicial Magistrate, Additional Mahila Court, Madurai has considered both side evidences and passed judgment dated 06.06.2023 acquitting the accused 1 to 3. The petitioner states that she is residing at Hyderabad, as she is a student she has no sufficient means to prefer appeal and there is delay 80 days in preferring appeal. On perusal of records, the petitioner has filed copy application on 07.06.2023 and certified copy was delivered on 30.06.2023. The present appeal has been filed on 09.11.2023 with delay of 80 days. So, the petitioner with intention to prefer appeal has filed copy application on the next day of pronouncement of judgment. It is settled principle of law that if the applicant/appellant establishes sufficient cause or sufficient reason for non-filing the petition/appeal in time, the number days of delay is immaterial. It is need to explain every days delay. The length of the delay is not the criteria but the correctness of the reasons or the explanation for the delay is the important factor. It is also settled law that sufficient cause has to be liberally interpreted provided negligence, inaction, lack of bona fides are not made out. Purpose of the court are established to render justice. There will be no bar for condoning delay and each case is to be dealt its own merit. The

main purpose for which section 5 was enacted to enable the court to do substantial justice and that is the precise reason why very elastic expression sufficient cause employed therein so as to sub serve the ends of justice. It is also settled principle of law that the court should take a liberal, pragmatic, justice-oriented, non- pedantic approach while dealing with an application under section 5 of Limitation Act. Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis. The cause shown is a bona fide cause to condone the delay which is sufficient and relevant fact to condone the delay. On perusal of counter filed by the respondents 1 and 3, they have only stated that the petitioner has not mentioned valid reason for the delay and also stated that the petitioner has filed various cases against the respondents 1 to 3, in this way this appeal is preferred to harass them. The learned Public Prosecutor for the 4<sup>th</sup> respondent/complainant has endorsed as no counter''. The 2<sup>nd</sup> respondent remained exparte. Each and every party has right to prefer appeal before the appellate court and the opposite party has opportunity of hearing the appeal. However, at the same time, the inconvenience of other party has to be considered. In this case, there is delay of 80 days in preferring criminal appeal. The reason for the delay stated by the petitioner is accepted. However, considering the facts and circumstances, this court is inclined to allow the petition on condition that the petitioner shall pay Rs.1000/- to the respondents 1 and 3 within 15 days, failing which the petition stands dismissed.

10. In the result, this petition is allowed on condition that the petitioner shall pay Rs.1000/- to the respondents 1 and 3 within 15 days, failing which the petition stands dismissed.

*Dictated to the Stenographer, directly computerized by him, corrected and pronounced by me in open court this the 10<sup>th</sup> day of June, 2025.*

*Principal Sessions Judge,  
Madurai.*

*Petitioner side witness and document : Nil*

*Respondents side witness and document : Nil*

*Principal Sessions Judge,  
Madurai.*

*Principal Sessions Court,  
Madurai.*

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*Order*

*Date: 10.06.2025.*