

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.

PRESENT: **Thiru.P.Velmurugan, B.A., B.L.,**  
Principal Sessions Judge, Thanjavur.

Monday, the 23<sup>rd</sup> day of March, 2026.  
(Thiruvalluvarandu 2057 Sri Visuwavasu Varudam Panguni Thingal 9<sup>th</sup> day)

**CrI.M.P. No.1493/2025 in Unfiled Criminal Appeal**  
**CNR No. TNTJ01 002377 2025**

P.Aari, aged about 39/2025 years,  
S/o.Pitchaipandi,  
No.2/206, Cross Street, Maniyachi  
Village, Ottapidaram Taluk, Tuticorin. ... Petitioner / Appellant / Accused

versus

C.Subburayalmoorthy,  
aged 55/2025 years,  
S/o.Chinnasami,  
Door No.10, Periyathambi Nagar,  
Dr.Moorthy Road, Kumbakonam. ... Respondent / Respondent / Complainant

This Criminal Miscellaneous Petition was taken up for final hearing before this Court on 11.03.2026, and, upon hearing the arguments of Mr.P.Jegan, Learned Advocate appearing for the Petitioner and of Mr.V.G.Ravikumar, Learned Advocate appearing for the Respondent and upon perusing the available records and having stood over for consideration till this day, this Court passed the following ...

**O R D E R**

1) This petition has been filed by the petitioner under Section 5 of the Limitation Act, 1963, seeking to condone the delay of 322 days in preferring a Criminal Appeal against the judgment dated 21.02.2024 in STC No.251/2021, passed

by the learned Judicial Magistrate No.I, Kumbakonam, on the ground that he was affected by jaundice and was undergoing continuous Siddha treatment at Palayamkottai from 11.03.2024 onwards, and that he had no knowledge of the appeal procedure, hence, he could not prefer the criminal appeal within the prescribed time.

2) On the other hand, the respondent has strongly objected, contending that the petitioner has filed this petition only to evade arrest, to avoid payment of money, and to protract the proceedings. The respondent further submits that he is an aged person and is suffering from a low red blood cell count, for which he has undergone hernia surgery. It is also contended that the reasons stated in the affidavit are insufficient to condone the delay and are not supported by any documentary evidence, as required under the principles laid down by the Hon'ble Supreme Court. Hence, it is prayed that the petition be dismissed with costs.

3) **Point, for consideration in this petition, is that**

Whether the petition is to be allowed as prayed for ?

**Point:**

4) Heard both sides. Perused the records.

5) Having considered the submissions of both sides and the facts and circumstances of the case, it is settled law that the length of delay is not material, but sufficiency of cause is the primary consideration and this court observed that since the petitioner has suffered by illness, he could not prefer the appeal in time. But, the delay must be properly explained as per the principles laid down by the Hon'ble Supreme Court.

Here, the delay is not supported with any medical records. The respondent has objected to allow this petition. However, the petitioner shall be given a fair opportunity to contest his case on merits and the right of the petitioner to prefer an appeal shall not be rejected at threshold on the ground of mere delay only. Hence, considering the period of 322 days delay in preferring the criminal appeal and in the interest of justice, this court proceeds to allow this petition on the condition of costs.

6) In the result, this petition will be allowed on cost that

i) The petitioner is directed to deposit a sum of Rs.2000/- (Rupees two thousands only), which is non-refundable, to the credit of the District Mediation & Conciliation Centre, Thanjavur and he must obtain a receipt and produce it, along with a memo, before this court on or before 01.04.2026, failing which, this petition shall stand dismissed. Call on 02.04.2026.

This Order is dictated to the Stenographer Grade – I of this Court, typed by her in computer directly, corrected and pronounced by me in the open Court, on this 23<sup>rd</sup> day of March, 2026.

**Principal Sessions Judge,  
Thanjavur.**

Draft / Fair Order in  
Crl.M.P. No.1493/2025 in UF. Crl. A.  
PSJ Court, Thanjavur.  
Dated: 23.03.2026.