

**In the Court of the Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur**

**Present:- Thiru.A.Kanthakumar, M.L.,
Principal District and Sessions Judge,**

Monday, this the 1st day of June 2026

Cr.M.P.No.1455/2026
CNR.No.TNVR01-002535-2026

Guruvaiah, (aged 70/2026)

S/o.Chellaiya

2192, Indira Nagar,

Muniyandi Kovil

Reserve Line,

Sivakasi Taluk

Virudhunagar District

...Petitioner/Appellant/Accused.

/Vs./

The Sub Inspector of Police,

Sivakasi Town Police Station

Cr.No.45/2021

...Respondent/Respondent/Complainant

This petition coming before me for final hearing on 01.06.2026 in the presence of Tr.K.Rameshbabu, Advocate for the petitioner and Tr.S.Thirumalaiappan, Public Prosecutor for the respondent and after that no counter endorsed by the respondent and upon hearing the argument on petitioner side and perusing the records, this Court delivered the following,

ORDER

The petitioner has filed this petition u/s.5 of Limitation Act, to condone

the delay of 162 days in preferring criminal appeal before this court against the impugned order passed in C.C.No.11/2021, dated 12.11.2025 on the file of the Judicial Magistrate No.1, Sivakasi.

2) Petition averments in brief:-

The petitioner is the Appellant/Accused in the above case. The case against the petitioner for the offences under Sections 294(b) and 323 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act was pending before the learned Judicial Magistrate No.1, Sivakasi. During the course of petitioner/accused side evidence, the petitioner could not appear before the trial Court due to his old age and ill-health. Consequently, in his absence, the learned trial Court pronounced Judgment on 12.11.2025, convicted the petitioner and issued a warrant against him. Further, owing to his advanced age and health condition, he was unable to contact his counsel and ascertain the status of the case. Subsequently, he came to know about the judgment only after his arrest on 10.05.2026. Thereafter, the petitioner took immediate steps to prefer the appeal. Thus, the delay of 162 days in filing the appeal was neither wilful nor wanton, but occurred due to bona fide and unavoidable circumstances. He has a good case on merits in the appeal. Hence, it is just and necessary that this Court may be pleased to condone the delay of 162 days in filing the above appeal. Therefore, the petitioner prays to allow this petition. Hence this petition.

3) Notice was served on the respondent, after that the respondent's side endorsed that no counter has been filed.

4) Point for consideration:-

(i) Whether the petitioner is entitled for the relief as prayed for?

5) Answer to point:-

Heard the petitioner. The petitioner has filed this petition to condone the delay in filing the Criminal Appeal. The petitioner has stated that, due to his old age and ill-health, he could not appear before the trial Court and came to know about the judgment only after his arrest on 10.05.2026. Thereafter, he took immediate steps to prefer the appeal, resulting in a delay of 162 days. Considering the reasons stated by the petitioner, this Court is of the view that as far as the 1st Appeal is concerned it is the statutory right of a affected party to Appeal against the same both on merits as well as legal aspects. Therefore, he has to be given an opportunity. Further, since no counter endorsed made by the respondent's side, this Court is inclined to allow this application. Therefore, this point is answered accordingly.

6) In the result, this petition is allowed. No cost.

Dictated to the Steno-Typist, directly typed by her, then corrected and pronounced by me in open Court on this the 1st day of June 2026.

**Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.**

List of witnesses and documents on both side:- NIL.

**Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.**

**Principal District Court
Srivilliputtur
Cr.M.P.1455/2026
Order
Dated:01.06.2026**