

Crl.M.P.No.11557 of 2016
in
Crl.A.Sr.No.46531 of 2016

M.VENUGOPAL, J.

Heard Mr.M.V.Balakrishnan, Learned Counsel for the Petitioner /Appellant/PW1, Mr.S.Ramesh, Learned Counsel for Respondents 1 and 2 and Ms.M.F.Shabana, Learned Government Advocate (Crl.Side) for the 3rd Respondent.

2.According to the Petitioner, there is a delay of 9 days in preferring the present Criminal Appeal in Sr.No.46531 of 2016 as against the Judgment dated 17.08.2016 in S.C.No.297 of 2013 passed by the Learned District & Sessions Judge, Mahila Court, Chengalpattu.

3.The reason ascribed on behalf of the Petitioner/Appellant for the delay of 9 days in question is that he is a Senior Citizen, Fisherman, a helpless person and suffering from numerous ailments. Added further, the death of his daughter was causing mental agony to him. Furthermore, he contacted his Learned Counsel on 18.10.2016 and applied for certified copy of the

Judgment of the trial Court made in S.C.No.297 of 2013 on 19.10.2016 and it was made ready on 25.10.2016 and the same was delivered on 26.10.2016. Apart from that, the Deepavali Holidays had intervened from 27.10.2016 to 31.10.2016 respectively and in this process, there has occasioned a delay of 9 days in preferring the instant Appeal, which is neither willful nor wanton, but due to the aforesaid reasons.

4.It is to be pointed out that when a 'Court of Law' is dealing with a Petition for 'Condonation of Delay', ordinarily, it is to adopt a lenient and liberal approach avoiding a pedantic approach and also overriding either technicalities or hyper technicalities. It is to be remembered that no litigant/party files a Revision/Appeal/any other proceeding before a Court of Law with a deliberate delay, if it is done so, he or she runs a serious risk, as opined by this Court.

5.Apart from the above, if the delay of 9 days in question is condoned, the highest thing that would happen is an opportunity will be provided to the concerned party to take part in the main arena of proceedings and there is a possibility of his case/cause being decided on merits. Per contra, if the 'Delay Condonation Petition' is

dismissed at the threshold, then, the doors of Justice will be not only shut at the inception stage, but also that there is a possibility of even a meritorious case being thrown out.

6.In the upshot of detailed qualitative and quantitative discussions and also this Court, considering the prime reasons advanced on behalf of the Petitioner/Appellant/PW1, at paragraphs 7 to 9 of the Affidavit in Crl.M.P.No.11557 of 2016, this Court, by taking a lenient and liberal view, condones the delay of 9 days, to secure the ends of Justice.

7.In fine, the Crl.M.P.No.11557 of 2016 is ordered, in above terms.

30.11.2016

Index : Yes / No

Internet : Yes / No

Sgl

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