

Crl.M.P.No.12989 of 2016 in
Crl.A.Sr.No.45128 of 2016

M.VENUGOPAL, J.

Heard Mr.R.Sankarasubbu, Learned Counsel for the Petitioner/Appellant and Mr.R.Ravichandran, Learned Government Advocate (Crl. Side) for the Respondent.

2.According to the Petitioner/Appellant/Accused, he is inside the Jail due to his poverty and in a penniless state, he could not contact any counsel in time. Only during last week, his friend came to the Prison and seen him and he had explained his inability and later, his friend contacted the present Learned Counsel at Chennai and handed over the relevant papers to him, to prefer an Appeal before this Court. In this process, there has occasioned a delay of 64 days, which is neither wilful nor wanton, but due to the aforesaid reason.

3.Considering the fact that the Petitioner/Appellant/Accused has preferred the instant Criminal Appeal in Sr.No.45128 of 2016 as against the Judgment dated 17.06.2016 in Spl.S.C.No.4 of 2015 on the file of the Learned Sessions Judge, Fast Track Mahila Court, Nagapattinam, as an aggrieved person and also this Court taking note of a primordial fact that only because

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of his poverty and his penniless state, he could not prefer the Appeal in time and later, he could contact his friend, who had seen him in Prison and with his help/assistance, he has preferred the present Appeal with a delay of 64 days, this Court, by taking a lenient, liberal, practical, purposeful, meaningful, pragmatic and rational approach and by not adopting a pedantic approach and also avoiding a technical or hyper technical approach, in the interest of Justice and to prevent an aberration of Justice, condones the delay of 64 days in preferring the Crl.A.No.45128 of 2016, subject to the condition that the Petitioner/Appellant/Accused shall pay a sum of Rs.250/- (Rupees Two Hundred and Fifty Only) to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras, on or before 19.12.2016, failing which, it is made clear that the Petition shall stand dismissed automatically without any further reference to this Court.

4.In fine, the Crl.M.P.No.12989 of 2016 is ordered, in above terms.

05.12.2016

Index : Yes / No
Internet : Yes / No
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