

Crl. M.P.No.13932 of 2016 in
Crl.A.No.SR11006 of 2016

M.VENUGOPAL,J.,

Heard the Learned Counsel for the Petitioner.

2. The Learned Government Advocate (Crl.Side) takes Notice for 1st Respondent. No counter is filed. To avoid an unavoidable delay Notice to the Respondents 2 and 3 are dispensed with.

3. It transpires that the Petitioner / Appellant in the Miscellaneous Petition prays for passing of an Order by this Court to condone the delay of 261 days in representing the Criminal Appeal Sr.No.11006 of 2016.

4. A perusal of the averments made by the Petitioner / Appellant at Paragraph No.5 in Crl.M.P.No.13932 of 2016 in Crl.A.Sr No.11006 of 2016 indicates that the Petitioner has complied with certain defects in Criminal Appeal papers and represented the said Appeal on 22.03.2016. However, the office of the Registry had returned the relevant papers filed in Criminal Appeal 'for want of Special Leave Petition.'

5. Furthermore, the plea taken on behalf of the Petitioner is that the Petitioner's Advocate's Office was shifted to the present place and therefore the relevant papers were not filed in time and ultimately the

relevant papers together with Grant Leave Petition were represented on

M.VENUGOPAL,J.,

19.12.2016. In this process there has occasioned a delay of 261 days, which is neither wilful or wanton but due to the aforesaid reason.

6. It is to be noted that 'Delay in Representation' is a matter between the Petitioner and the Court. The Respondents have no say in the matter. However, considering the facts and circumstances of the present Miscellaneous Petition and also this Court taking into consideration of the reasons assigned by the Petitioner / Appellant at Paragraph No.5 of the affidavit of CrI.M.P.No.13932 of 2016 for the delay of 261 days in representing the Criminal Appeal, this Court by taking a lenient and liberal view condones the said Delay of Representation subject to the condition that the Petitioner / Appellant shall pay a cost of Rs.500/- (Rupees Five Hundred only) to the Tamilnadu Mediation and Conciliation Centre, High Court, Madras on or before 10.01.2017, failing which it is made clear that the Petition shall stand dismissed automatically without any further reference to this Court.

Accordingly, this Miscellaneous Petition is ordered.

23.12.2016

Index: Yes/No
Internet: Yes/No
ssd

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