

Crl.M.P.No.4599 of 2016 in
Crl.A.No.SR17526 of 2016

M.VENUGOPAL,J.

It comes to be known through the report of the Learned Judicial Magistrate, FTC No.I, Erode dated 11.11.2016 that the Special Wing Police of Erode had served the summons on the Respondent / Accused on 26.10.2016. Today, in the 'Cause List', the name of the Respondent is printed. At the time of calling of the matter today at 11.15 a.m., there is no representation on the side of the Respondent / Accused, either in person or through Learned Counsel.

2. According to the Petitioner / Appellant the copy Application was filed on 13.10.2015 before the trial court for obtaining the copy of the Judgment and that the same was made ready on 09.02.2016 and delivered on the same day. It appears that the Learned Counsel had addressed a letter to him, but a plea taken on behalf of the Petitioner is that the said letter was not delivered to him. Therefore, he has not filed the present Criminal Appeal in time. In this process, there has occasioned a delay of 18 days in preferring the Criminal Appeal in

SR17526 of 2016, which is neither will nor wanton, but due to the aforesaid reason.

3. It is to be borne in mind that a 'Court of Law' while dealing with a 'Petition for Condonation of Delay', it is to originally adopt a lenient and liberal view so as to advance the cause of justice. If the delay in question is excused, the highest thing that would happen is the opportunity is provided for the concerned party / litigant to take part in the main arena of proceedings. Per contra, if the 'Delay Condonation Petition' is dismissed at the initial stage / inception stage itself, then, there is a possibility that 'Meritorious Case' being thrown out. By and large no litigant would prefer an Appeal / Revision, as the case may be, with a deliberate / inordinate delay, if he / she does so, then, it is a serious risk.

4. In the upshot of the above discussions and also this Court taking note of the fact that the Petitioner / Appellant has come out with a plea that he had not received the Lower Court Learned Counsel's letter, which was sent to him and because of that delay as occurred, this Court without precipitating the matter any further, by taking a lenient and

liberal view in a meaningful, rational, purposeful and pragmatic way condones the delay of 18 days in securing the ends of justice, of course subject to the condition that the Petitioner / Appellant shall pay a sum of Rs.250/- (Rupees Two Hundred and Fifty only) to the Tamilnadu Mediation and Conciliation Centre situated within the High Court Campus on or before 28.11.2016, failing which, it is made clear that the Petition shall stand automatically dismissed without any further reference to this Court.

18.11.2016

Index: Yes/No
Internet: Yes/No

ssd

M.VENUGOPAL,J.,

ssd

Crl.M.P.No.4599 of 2016 in
Crl.A.No.SR17526 of 2016

18.11.2016
<http://www.judis.nic.in>