

Crl.M.P.No.4982 of 2016
in
Crl.A.SR.No.19243 of 2016

R.SUBBIAH, J

The present petition has been filed to condone the delay of 63 days in filing the appeal against the judgment of acquittal made in C.C.No.116 of 2011 dated 23.12.2015 on the file of learned Judicial Magistrate No.I, Sankari.

2. In the affidavit filed in support of the petition, it has been stated that the judgment in C.C.No.116 of 2011 has been pronounced on 23.12.2015 and being an illiterate woman, the petitioner came to know about the acquittal of the accused only on 20.2.2016. Immediately, she has consulted with her counsel at Sankari and requested him to obtain the copy of the judgment. Thereafter, copy application was filed on 29.2.2016 and the same was made ready on the same day. However, the counsel informed the same to the petitioner only on 21.3.2016. Thereafter, she approached her counsel only in the second week of April 2016 and requested him to file an appeal. During that process, a delay of 63 days had occurred and the delay is neither wilful nor wanton, but due to the bona fide reasons stated above. Hence, the petition.

3. Learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the respondents 2 to 5 vehemently opposed to condone the delay.

4. However, in the interest of justice, I am of the opinion, the delay could be condoned. Accordingly, the delay of 63 days in filing the appeal against the judgment of acquittal, is condoned. The registry is directed to number the appeal, if it is otherwise in order.

14.06.2016

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DATED: 14.6.2016