

Crl.M.P.No.7089 of 2016
in
Crl.A.SR.No.8175 of 2016

R.SUBBIAH, J

The present petition has been filed to condone the delay of 335 days in filing the criminal appeal against the judgment dated 13.1.2015 made in S.C.No.44 of 2013 on the file of learned Special Officer cum Additional Sub Judge, Pondicherry.

2. Today, when the matter was taken up for hearing, learned counsel appearing for the second respondent is not present.

3. In the affidavit filed in support of the petition, it has been stated that the petitioner obtained the certified copy of the judgment on 7.3.2015 and he has also applied for certified copies of the depositions and got the same on 22.5.2015. Since it was summer vacation, he was unable to meet his counsel. Thereafter, he was out of station on a contract work from May 2015 to October, 2015. After that, due to heavy rain, his house was damaged and hence, he was unable to meet his counsel. Hence, a delay of 335 days had occurred in filing the appeal and the delay is neither wilful nor wanton, but due to the above said bona fide reasons.

4. I have heard the learned Additional Public Prosecutor appearing for the first respondent.

5. Considering the facts and circumstances of the case and considering the reasons stated in the affidavit filed in support of the petition, I am of the opinion, the delay of 335 days in filing the appeal could be condoned and accordingly, condoned and the petition is ordered accordingly. The registry is directed to number the appeal, if it is otherwise in order.

24.08.2016

sbi

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sbi

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DATED: 24.8.2016