

Crl.M.P.No.9197 of 2016
in
Crl.A.Sr.No.36145 of 2016

M.VENUGOPAL, J.

Heard Mr.T.Wilson, Learned Counsel for the Petitioner/
Appellant and Mr.M.R.Thangavel, Learned Public Prosecutor (Pondy)
for the Respondent/Complainant.

2.According to the Petitioner/Appellant/Accused, there has
occasioned a delay of 75 days in preferring the Criminal Appeal as
against the Judgment dated 08.04.2015 in Spl.C.C.No.2 of 2015 on
the file of the Learned Sessions Judge, Karaikal and the reason
attributed is that the Petitioner could not contact his counsel for
preferring an Appeal before this Court and moreover, he hails from
a poor family and could not pay the fine amount in time and in fact,
paid the fine amount of Rs.12,500/- after two months.

3.The primordial reason projected on the side of the
Petitioner/Appellant/Accused is that due to his family situation, he
could not contact his Learned Counsel in time.

4.Per contra, it is represented on behalf of the Respondent/ State/Complainant stated that the Petitioner/Appellant has not come out with a *bona fide* reason for the delay of 75 days in preferring the instant Crl.A.Sr.No.36145 of 2015 as against the Judgment of the trial Court in Spl.C.C.No.2 of 2015 dated 08.04.2016 and therefore, this Court, in the interest of Justice, may dismiss the Delay Condonation Petition.

5.Admittedly, the Judgment of the trial Court was delivered on 08.04.2016 in Spl.C.C.No.2 of 2015. In fact, the Petitioner/Appellant ought to have paid the fine amount by 30.06.2016. However, in the instant case, the Petitioner/Appellant has come out with a reason that he could not contact his counsel for preferring the Appeal and also that, he hails from a poor family and could not pay the fine amount in time and paid only after a period of two months.

6.Considering the fact that a Court of Law is to adopt a lenient and liberal view while dealing with a condone delay petition, overriding either technicalities or hyper technicalities and also not to adopt a pedantic approach, this Court, to prevent an aberration of

Justice and to promote substantial cause of Justice, condones the delay of 75 days in preferring the Crl.A.No.36145 of 2016, of course with a rider that the Petitioner shall pay a cost of Rs.750/- (Rupees Seven Hundred Fifty Only) to the Tamil Nadu State Legal Services Authority, High Court, Madras, on or before 17.11.2016, failing which, it is made clear that the Petition shall stand dismissed automatically without any further reference to this Court.

7.In fine, the Crl.M.P.No.9197 of 2016 is ordered, in above terms.

03.11.2016

Index : Yes / No

Internet : Yes / No

Sgl

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Sgl

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