

Crl.M.P.No.9579 OF 2016 in
Crl.A.No.SR36865 of 2016

M.VENUGOPAL,J.

Heard the Learned for the Petitioner / Appellant / A.1 and the Learned Additional Public Prosecutor for the Complainant / Respondent.

2. It comes to be known that the Petitioner has preferred the instant Criminal Appeal in SR No.36865 of 2016 against S.C.No.74 of 2015 on the file of learned Sessions Judge, Magalir Court (Magalir Fast Track Court, Erode). In fact, the Petitioner / Appellant / A.1 was convicted and sentenced to undergo Rigorous Imprisonment for a period of ten years, in respect of an offence under Section 306 IPC and further was directed to pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default of payment of fine, was further directed to under Simple Imprisonment for two years.

3. The Petitioner / Appellant / A.1 has preferred the instant Criminal Appeal in Sr.No.36865 of 2016 for a delay of 257 days and the reason attributed for the delay in question is that he could not contact the Counsel to prefer the appeal within the limitation period because he

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was inside the prison. Although the said reason ascribed by the
Petitioner in Paragraph No.2 of his affidavit in Crl.M.P.No.9579 of 2016
in Crl.A.Sr.36865 of 2016 is not a satisfactory one, yet this Court by
taking a lenient and liberal view, with a view to deliver substantial
justice, overriding either technicalities or hyper technicalities, condones
the delay of 257 days in question subject to the condition that the
Petitioner / Appellant / A.1 pays a sum of Rs.750/- (Rupees Seven
Hundred and Fifty only) to the Tamilnadu State Legal Services Authority
on or before 23.09.2016, failing which it is made clear that the
Crl.M.P.No.9579 of 2016 shall stand automatically dismissed without
any further reference to this Court.

09.09.2016

Index: Yes/No
Internet: Yes/No

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