



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Sixth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU
and

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL MP(MD) No.10559 of 2016

IN

CRL A(MD) No.273 of 2014

MADASAMY

(NOW CONFINED AS LIFE CONVICT

IN PALAYAMKOTTAI CENTRAL PRISION)

... APPELLANT/SOLE ACCUSED

Vs

STATE THROUGH

THE INSPECTOR OF POLICE

CRIME BRANCH CID,

THOOTHUKUDI DISTRICT

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to condone the delay of 123 days for filing restore petition before this Honourable Court in Crl.A. No.273 of 2014.

PRAYER IN CRL A(MD)NO.273/2016 :

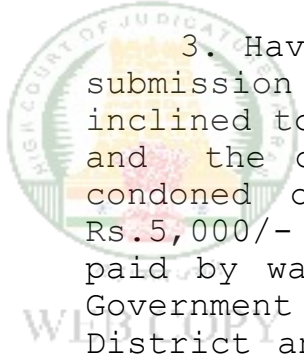
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to allow this appeal and set aside the sentence and fine imposed on the appellant in S.C.No.177 of 2012 on the file of the 2nd Additional Sessions Judge, Thoothukudi by the Judgment dated 31.01.2013.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.DANIEL MANOHARAN, Advocate for the petitioner and of MR.R.RAMACHANDRAN, Government Advocate (Crl.Side) for the Respondent the court made the following order:-

[Order of the Court was made by **S.NAGAMUTHU, J**].

This petition has been filed seeking to condone the delay of 123 days in filing the petition to restore the Criminal Appeal, which was dismissed for default on 30.03.2016.

2. The learned counsel for the petitioner would offer to pay a sum of Rs.5,000/- (Rupees Eight Thousand only) as cost for condonation of delay.



3. Having regard to the averments made in the affidavit and the submission made by the learned counsel for the petitioner, we are inclined to condone the delay. Accordingly, this petition is allowed and the delay of 123 days in filing the restoration petition is condoned on condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees five thousand only), as cost. The cost shall be paid by way of demand draft drawn in the name of the Headmaster, Government Higher Secondary School, Ottapidaram Taluk, Tuticorin District and the Headmaster of the said School shall, on encashing the said amount, stitch uniforms for poor children studying in the School and supply the same and then, report the same to the Registry. The cost shall be paid, on or before 04.11.2016.

sd/-
26/10/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE 2ND ADDITIONAL SESSIONS JUDGE, THOOTHUKUDI
- 2 THE INSPECTOR OF POLICE
CRIME BRANCH CID, THOOTHUKUDI DISTRICT
- 3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO : THE HEADMASTER, GOVERNMENT HIGHER SECONDARY SCHOOL,
OTTAPIDARAM TALUK, TUTICORIN DISTRICT

+1. C.C. to M/S.R.ALAGUMANI Advocate SR.No.65024

CSL/SK/SKN/SAR-III-2.11.16-2P-7c

ORDER
IN
CRL MP(MD) No.10559 of 2016
IN
CRL A(MD) No.273 of 2014
Date :26/10/2016