



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Twenty Seventh day of January Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice M.VENUGOPAL

CRL MP(MD) No.736 of 2016

IN

CRL A(MD) No.SR41591 of 2015

SASIKUMAR

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NAMANASAMUTHIRAM POLICE STATION,
THIRUMAYAM TALUK,
PUDUKKOTTAI DISTRICT.
CR. NO. 52/2011

... RESPONDENT/RESPONDENT.

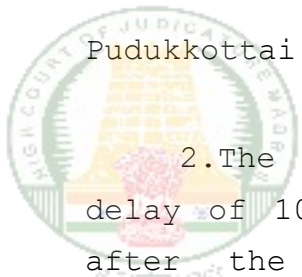
Criminal Miscellaneous Petition filed U/S 5 of the limitation Act, praying that in the circumstances stated therein and in the affidavit filed therewith. The High Court will be pleased to condone the delay of 1014 days in preferring the above Criminal Appeal against the judgement passed in S.C. No.8 of 2012 dated 27.12.2012 on the file of Session Judge, Mahila Court, Pudukkottai

Crl A(MD)SR.No.41591 of 2015:

Criminal Appeal filed under Section 374 of Cr.P.C. To setaside the Judgment and conviction passed by the Session Judge, Mahila Court, Pudukkottai in S.C.No.8/12 dated 27.12.2012 and acquit the appellant herein.

Order : This Miscellaneous petition coming on for hearing on this day upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S S.ARIVALAGAN, Advocate for the petitioner and of Mr.P.Kandasamy, Government Advocate (Crl.Side) on behalf of the Respondent this court made the following order:-

The Petitioner/Appellant/Accused has preferred the instant Criminal Miscellaneous Petition praying for passing of an order by this Court to condone the delay of 1014 days in preferring the present Crl.A(MD) SR.No.41591 of 2015, as against the Judgment, dated 27.12.2012 in S.C.No.8 of 2012, passed by the Learned Sessions Judge(Mahila Court),



Pudukkottai.

2.The reason ascribed by the Petitioner/Appellant/Accused for the delay of 1014 days in preferring the present Criminal Appeal is that after the trial Court Judgment, none of his family members came to see him in person and further, due to poverty, he could not pay the fine amount imposed by the trial Court. Moreover, he projected an application before the Legal Aid Services Committee, Tiruchirappalli (through Jail Authorities) and accordingly, filed the present Criminal Appeal in question. In that process, there has occasioned a delay of 1014 days in preferring the instant Criminal Appeal, which is neither wilful nor wanton, but due to the aforesaid reason.

3.This Court, on being subjectively satisfied as to the reason ascribed by the Petitioner that because of his poverty, he could not pay the fine amount and also that, after the trial Court Judgment, none of his family members came to see him in person, this Court by taking a lenient and liberal view, in the interest of justice, condones the delay of 1014 days in preferring the present appeal and allows the Petition.

sd/-

Assistant Registrar(CS-I)

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE, MAHILA COURT, PUDUKKOTTAI
- 2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUMAYAM
- 3 THE INSPECTOR OF POLICE, NAMANASAMUTHIRAM POLICE STATION,
THIRUMAYAM TALUK, PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 5 THE SECTION OFFICER, CRIMINAL SECTION, MADURAI BENCH OF MADRAS HIGH
COURT, MADURAI

ORDER

IN

CRL MP(MD) No.736 of 2016

IN

CRL A(MD) No.SR41591 of 2015

Date :27/01/2016

Giving direction etc., as
stated within.