

Crl.M.P.No.6911 of 2017
in
Crl.A.No.675 of 2017

N.SATHISH KUMAR, J.,

This application is filed to condone the delay of 131 days in filing the restoration application to restore the appeal which has been dismissed for default.

It is the main contention of the petitioner that the learned counsel who was originally engaged by the petitioner did not appear nor informed the hearing date of the case to the petitioner and ultimately, this case was dismissed for default. Only after some time, the petitioner came to know about the dismissal and there is a delay and hence, prayed for condonation of the delay.

Heard the learned counsel for the petitioner, learned Public Prosecutor and perused the materials available on record.

Originally, the appeal has been preferred as against the conviction under sections of the Prevention of Corruption Act 1988 together with fine and defaulting sentence and the appeal was dismissed for default due to non appearance of the counsel for the petitioner. Since, the appeal itself is a statutory right, mere inaction on the part of the counsel cannot be a ground to defeat the statutory right of the accused. Therefore, this Court is inclined to condone the delay by approaching the delay in a liberal manner in the interest of justice. Accordingly, this petition is allowed and the delay is condoned.

The registry is directed to post the appeal for arguments on 19.06.2017.

07.06.2017

N.SATHISH KUMAR, J.,

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