

**Crl.M.P.No.5419 of 2018 in
Crl.A.No.SR11480 of 2018**

**M.VENUGOPAL,J.,
AND
R.HEMALATHA, J.,**

[Order of the Court was made by **M.VENUGOPAL,J.,**]

Heard the Learned Counsel for the Petitioner / Appellant / Single Accused. No counter is filed on behalf of the Respondent / Complainant.

2. According to the Petitioner / Appellant, he was confined in Central Prison, Coimbatore and after his family members severed relationship with him, they had not visited the prison to meet him. Later, he came to know about the present Counsel and consulted him to prefer an Appeal before this Court. Hence, he sent the original copy of the Judgment and other related documents through RPAD, which were received by the Learned Counsel on 05.02.2018. In this process, there has occasioned a delay of 39 days in preferring the instant Criminal Appeal in Sr.No.11480 of 2018, which is neither wilful nor wanton, but, due to the aforesaid reason.

3. It comes to be known that the Petitioner / Appellant / Single Accused in S.C.No.113 of 2016 on the file of the Learned III Additional

District Judge, Thiruppur at Dharapuram was found guilty in respect of an Offence under Section 302 of IPC and was convicted and sentenced to undergo imprisonment for life and also that, he was imposed with a fine of Rs.1,000/- (Rupees One thousand only) in default of payment of fine, he was directed to undergo further Simple Imprisonment for three months.

4. Aggrieved against the Judgment dated 15.11.2017 in S.C.No.113 of 2016 on the file of Learned III Additional District and Sessions Judge, Dharapuram, the Petitioner / Appellant has preferred the present Criminal Appeal in Sr.No.11480 of 2018 with the delay of 39 days as stated supra.

5. Considering the fact that the Petitioner has come out with an explanation in his affidavit in CrI.M.P.No.5419 of 2018 to the effect that after his confinement in Central Prison, Coimbatore, his family members had severed their relationship with him etc., and later he was perforced to contact his Learned Counsel and with the assistance of Learned Counsel, he has preferred the present Appeal with the delay of 39 days, this Court after subjectively satisfying itself as to the reasons advanced by the Petitioner in the present Criminal Miscellaneous Petition, condones the delay of 39 days to secure the ends of justice by taking a lenient, liberal, practical, pragmatic and purposeful view in the matter in issue.

In fine, the CrI.M.P.No.5419 of 2018 is allowed.

(M.V.J.)

(R.H.J.)

04.04.2018

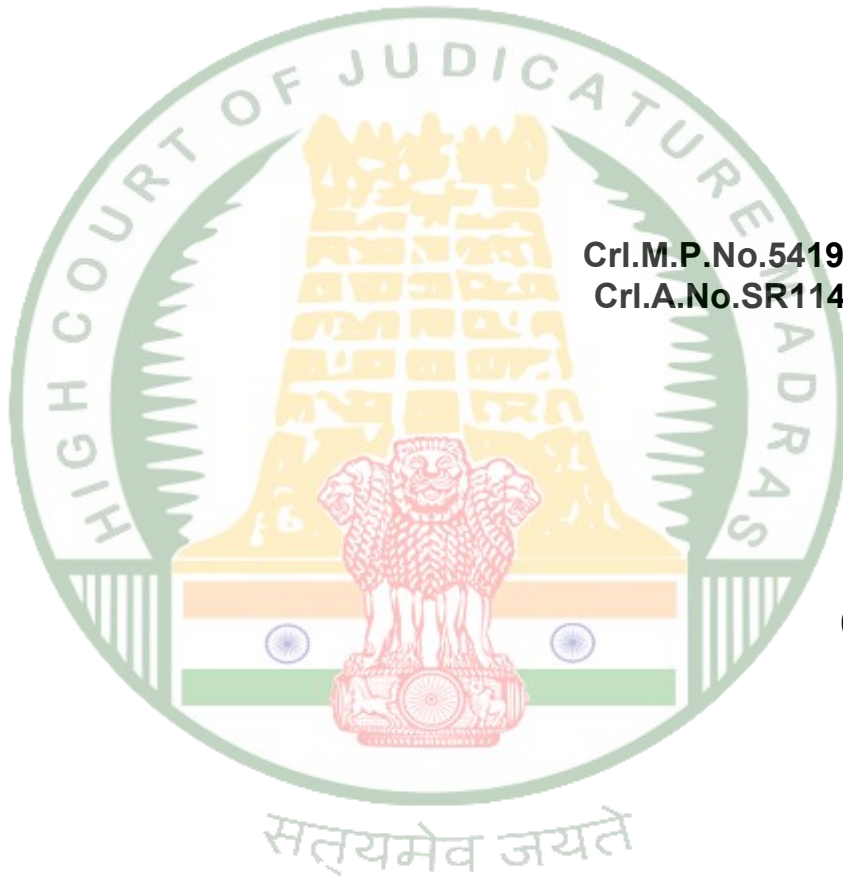
Index :Yes / No
Internet :Yes / No
ssd



WEB COPY

**M.VENUGOPAL,J.,
AND
R.HEMALATHA, J.,**

ssd



**Crl.M.P.No.5419 of 2018 in
Crl.A.No.SR11480 of 2018**

04.04.2018

WEB COPY