



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

Wednesday, the Third day of October Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD) No.6647 of 2018

IN

CRL A(MD) No.SR21979 of 2017

STATE REP.BY
THE INSPECTOR OF POLICE
C.B.I.A.C.B., CHENNAI.

... PETITIONER/APPELLANT

Vs

1 S. KASIMAYAN
2 R. SELVARAJ
3 R. RAJESH KANNAN
4 R. ANITHA
5 N. VAKEESWARAN

... RESPONDENTS/RESPONDENTS

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 168 days in filing the above Appeal against the Judgement passed by the Learned II Additional District Court for CBI Cases, Madurai in C.C.No.05/2011 dated 07/12/2016.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.N.NAGENDRAN, Senior Public Prosecutor for Special Public Prosecutor for CBI Cases for the petitioner and of Mr.R.VELMURUGAN, Advocate for R1 and Mr.M.BEEMA RAO, Advocate for R2 and Mr.M.MUTHUSAMY, Advocate for R3 and Mr.S.SURESH, Advocate for R4 and Mr.V.THISAI INDIRAN, Advocate for R5 Respondent, the court made the following order:-

This petition has been filed to condone the delay of 168 days in preferring the appeal against the judgement passed by the II Additional District Court for CBI Cases, Madurai.

2. Heard the learned counsel for the petitioner/appellant and the respondents.

3. This is matter is arising out of acquittal by the trial court in a case where the respondents have charged for the offences under Sections 120(B)r/w.169,420, 409 and Section 13(2) r/w.13(1)(d) of PC Act 1988. The trial court found the respondents not guilty. In preferring the appeal the State has taken time beyond the period of limitation. Appeal papers were presented in the Registry with a delay of 168 days. When the registry has returned the papers for



certain defects to cure the same, they have taken another 206 days for re-presentation.

4. When the matter was taken up for consideration, this Court on perusal of the records and the impugner order of the trial court, thought it fit that there are some materials in the grounds of appeal which require re-consideration. Hence the delay of 168 days in filing the appeal is condoned. The delay of 206 days in representing the appeal papers is also condoned in the light of the objections raised by the respondents and no prejudice would be caused if the delay is condoned.

5. The facts of the case involves pecuniary interest of the State. The officials, who are involved in responsibility and duty to decide the matter in time, have been lethargic in discharging their duty. The officials have taken 168 days to take a decision to prefer the appeal. Undoubtedly, this has caused some prejudice to the respondents who have been acquitted by the trial court. Such an undeserving acquittal cannot be at the cost to the State interest. Therefore while condoning the delay of 168 days in filing appeal by the State, which is represented by the Inspector of Police, C.B.I.A.C.B, Chennai they cannot be allowed to lethargically decide upon the issues of public interest in future. Therefore a cost of Rs.10,000/- is imposed on the petitioner payable to the each of the respondents. The State shall pay the costs and fix the responsibility on the officer and recover the same from the official who are responsible for the delay in filing the appeal.

6. Registry is directed to number the appeal, if the papers are otherwise in order.

sd/-

03/10/2018

/ TRUE COPY /

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

TO

1 THE II ADDITIONAL DISTRICT JUDGE,
FOR CBI CASES, MADURAI.

2 THE SUB ASSISTANT REGISTRAR, AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
PS/RR/SAR-4:11/10/2018:2P/3C

ORDER

IN

CRL MP (MD) No.6647 of 2018

IN

CRL A (MD) No.SR21979 of 2017

Date :03/10/2018