

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR
AND
THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

CrI.A.M.P.Nos. 2208 & 2209 of 2017

IN/AND

CrI.A.No.1074 of 2017

COMMON JUDGMENT : (per the Hon'ble Sri Justice C.Praveen Kumar)

Heard.

CrI.A.M.P.No.2208 of 2017 is filed seeking to condone the delay of 1158 days in presenting the appeal against the order of acquittal dated 10.03.2014 of the accused/ respondent in S.C.No.452 of 2013 on the file of Principal Sessions Judge, Warangal.

The affidavit filed in support of the delay petition would show that after the judgment was pronounced on 10.03.2014, an application was made for a copy of the order on 18.03.2014 and it was made ready on 15.04.2014. Thereafter, the Superintendent of Police, Warangal District, sent the same through proper channel to the Additional Public Prosecutor, Warangal, for his opinion, who in turn offered his opinion and sent it to the Superintendent of Police, Warangal District. After receiving the opinion of the Additional Public Prosecutor, Warangal, the Superintendent of Police, Warangal, sent the proposals to the office of the public prosecutor, High Court on 11.07.2014. The public prosecutor sent his opinion to the Government on 27.10.2014, for sanction, to file the appeal and the Government in its order dated 11.02.2015 accorded sanction to file the appeal, which was received in the office of public prosecutor,

High Court on 18.04.2015. A message was sent to the Superintendent of Police, Warangal District to depute the concerned officer to file an application seeking condonation of delay. Accordingly, the delay application came to be filed in the month of September, 2017.

It is to be noted that after three years, the delay application came to be filed seeking condonation of delay. A reading of the affidavit does not anywhere indicate as to why it took nearly three years for filing the present delay application with an abnormal delay of 1158 days. In the absence of any reasonable explanation, we see no grounds to condone the delay.

Accordingly, CrI.A.M.P.No.2208 of 2017 is dismissed.

CrI.A.M.P.No.2209 of 2017, which is filed seeking to grant leave to prefer the appeal, is dismissed.

Since the applications seeking condonation of delay and leave to prefer the appeal are dismissed, the question of considering the appeal does not arise and the appeal is liable to be dismissed.

Accordingly, the appeal is dismissed. Consequently, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

KONGARA VIJAYA LAKSHMI, J

02.01.2018
vhb