

Crl.M.P.No.4168 of 2019
in
Crl.A.Sr.No.14149 of 2019

M.SATHYANARAYANAN, J.,
and
M.NIRMAL KUMAR, J.,

(The Order of the Court was made by M.SATHYANARAYANAN.,J)

Heard the submission of the learned counsel for the petitioner and Mr.Parthiban, learned counsel for the 3rd respondent. Though the 2nd respondent / 1st accused has been served and his name appears in the cause list, there is no representation on his behalf.

2. The learned counsel for the petitioner has drawn attention of this Court to paragraph no.6 of the affidavit and would submit that in the light of the reasons stated in the above said paragraph, the appeal could not be filed on time and it cannot be construed as neither willful nor wanton and prays for condonation of delay.

3. However, this petition is strongly opposed by the learned counsel for the 3rd respondent, who would submit that in the absence of plausible or tenable explanation, the said delay cannot be condoned and prays for dismissal of this petition.

M.SATHYANARAYANAN, J.,
and
M.NIRMAL KUMAR, J.,

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4. This Court has considered the rival submission and also perused the materials placed before it.

5. Having satisfied with the reasons stated in the affidavit filed in support of this miscellaneous petition, this Criminal Miscellaneous petition is ordered and the delay of 93 days in filing the Criminal Appeal is condoned.

6.If the papers are otherwise in order, Registry is directed to number the Criminal Appeal and list it for admission and also directed to print the name of the learned Public Prosecutor for 1st respondent and Mr.Parthiban, learned counsel for 3rd respondent.

सत्यमेव जयते

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[M.S.N., J] [M.N.K., J]
30.04.2019

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