

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18095 of 2019

1. Selvaraj

2. Umapathy

...Petitioners

vs.

State rep. by
The Inspector of Police,
Crime Branch CID,
Perambalur District.

...Respondent

PRAYER : Criminal Original Petitions filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order dated 20.06.2019 made in Crl.M.P.No.1027 of 2016 in SR.No.855 of 2016 on the file of the Principal District and Sessions Judge, Perambalur and allow this Criminal Original Petition.

For Petitioners : Mr.V.Karthick
Senior Counsel for
Mr.S.Karthikeyan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed challenging the order passed by the Court below condoning the delay of 590 days in preferring an appeal against the judgment of acquittal passed by the learned Chief Judicial Magistrate, Perambalur.

2. The learned Additional Public Prosecutor on instructions submitted that the appeal has already been numbered as Crl.A.No.10 of 2019.

3. In view of the above development, this Court does not want to interfere with the order passed by the Court below insofar as condoning the delay of 590 days in filing the appeal.

4. Mr.V.Karthick, the learned Senior Counsel appearing on behalf of the petitioner submitted that the Court below instead of dealing with the issue of delay, has unnecessarily gone ahead and commented upon the conduct of the accused persons at Paragraph No.5 of the order and the same is unwarranted for the purpose of considering the petition to condone the delay in filing the appeal. The learned Senior Counsel therefore submitted that these remarks/observations will have to be expunged.

5. This Court is in agreement with the submissions made by the learned Senior Counsel and the remarks/observations made by the Principal District and Sessions Judge, Perambalur at Paragraph No.5 as against the accused persons are hereby expunged. The order is sustained only for the limited purpose of condoning the delay of 590 days in filing the appeal.

6. In view of the fact that the appeal has already been numbered and it is pending before the Court below, this Court is not inclined to go in to the issue of delay in filing the appeal at this stage. Since the issue of an apparent bias was raised by pointing out to the order passed by the Principal District and Sessions Judge, Perambalur, the appeal shall be transferred to the file of the Sessions Judge, Mahila Court, Perambalur, who shall hear and dispose of the criminal appeal as expeditiously as possible.

7. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

ssr/jas

To

1. The Principal District and Sessions Judge,
Perambalur.
2. The Sessions Judge,
Mahila Court, Perambalur.

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3. The Inspector of Police,
Crime Branch CID,
Perambalur District.

4. The Public Prosecutor,
High Court, Madras.

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