



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

Wednesday, the Thirteenth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH
and
The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.1340 of 2019
IN
CRL A(MD) No.SR1760 of 2019

K.SARAVANAN

(CONFINED AT
PALAYAMKOTTAI CENTRAL PRISON)

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
(CRIME NO.675/1995)

... RESPONDENT/COMPLAINANT

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 5630 days in preferring this Criminal Appeal as against the Judgment and conviction rendered in S.C.NO.123/1996 by the Honourable Additional Sessions Judge, and Fast Track Court Judge NO.I, Thoothukudi dated 30/04/2003.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ALAGUMANI, Advocate for the petitioner and of Mr.R.ANANDHARAJ, Additional Public Prosecutor for the respondents, the court made the following order:-

(Order of the Court was made by B.PUGALENDHI, J.)

The petitioner was convicted and sentenced to imprisonment for life by the Additional Sessions Judge (Fast Track Court No.I), Thoothukudi in S.C.No.123 of 1996 in Kovilpatti East Town Police Station in Crime No.675/1995. He did not file any appeal challenging the conviction and sentence imposed on him by the trial Court this far. Now, he has filed the present appeal with a delay of 5630 days. Therefore, we called for a report from the trial Court as to whether the material papers and the material objects, in this case, are available, for which, the trial Judge has sent a communication dated 26.02.2019, wherein, it is stated that the material objects have been destroyed after the expiry of the appeal period, but, the material records are available.



2. We also called for a report from the Central Prison, Palayamkottai, as to whether the co-accused in this case, namely, Sudalai and Lingadurai have filed any appeal. We have received a report dated 12.03.2019 from the Superintendent of Prisons, Palayamkottai, Central Jail, wherein, it is stated that the co-accused Lingadurai (A3) was acquitted by the trial Court and Sudalai (A1), who was convicted along with the petitioner, has served out his sentence and has been released. However, he also had not chosen to file any appeal challenging the judgment of the trial Court.

3. The fact remains that the petitioner has been in incarceration since 30.04.2003 and under such circumstances, we condone the delay, but, however, we make it clear that the petitioner cannot insist upon the production of the material objects, since they have been destroyed on account of the failure of the petitioner to file this appeal within the statutory period or even thereafter, within a reasonable time. Subject to this condition, the delay is condoned. The Registry is directed to number the appeal, if the same is otherwise in order and list it for admission. The Inspector of Police submitted that even the CD file in this case is not available in the Police Station, since more than 10 years have lapsed.

sd/-

13/03/2019

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

TO

1. THE ADDITIONAL SESSIONS JUDGE
FAST TRACK COURT NO.I, THOOTHUKUDI.
2. THE INSPECTOR OF POLICE,
KOVILPATTI EAST POLICE STATION.
3. THE SUPERINTENDENT,
PALAYAMKOTTAI CENTRAL PRISON,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

PS/PN/SAR-2/20.03.2019/2P/5C

ORDER

IN

CRL MP(MD) No.1340 of 2019

IN

CRL A(MD) No.SR1760 of 2019

Date :13/03/2019