



WEB COPY

Crl.M.P. (MD) No.232 of 2020 in
Crl.A. (MD) SR.No.829 of 2020 &
Crl.A. (MD) SR.No.829 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P. (MD) No.232 of 2020

in

Crl.A. (MD) SR.No.829 of 2020

and

Crl.A. (MD) SR.No.829 of 2020

Avudaiyappan alias Raj, S/o.Ramar

: Petitioner &
Appellant

Vs.

The Inspector of Police,
Town Police Station,
Tirunelveli.
(Crime No.434/2015)

: Respondent in both
the Crl.M.P. & Crl.A.

Prayer in Crl.M.P. (MD) No.232 of 2020:- Petition is filed under Section 5 of Limitation Act, to condone the delay of 667 days in filing the Criminal Appeal against the judgment dated 09.01.2018, passed in S.C.No.200 of 2016, on the file of the IV Additional District and Sessions Judge, Tirunelveli.

PRAYER in Crl.A. (MD) SR.No.829 of 2020:- Criminal Appeal is filed under Section 374 of the Criminal Procedure Code, to call for the judgment dated 09.01.2018, made in S.C.No.200 of 2016, on the file of the IV Additional District and Sessions Judge, Tirunelveli and set aside the same as illegal.

For Petitioner
in the Crl.M.P. &
For Appellant
in the Crl.A. : Mr.R.Vinoth Bharathi

For Respondent
in both the Crl.M.P. &
Crl.A. : Mr.R.Anandaraj
Additional Public Prosecutor



ORDER

(Order of the Court was made by T.RAJA, J.)

This petition has been filed seeking for condonation of delay of 667 days in filing the Criminal Appeal, against the judgment dated 09.01.2018, made in S.C.No.200 of 2016, on the file of the IV Additional District and Sessions Court, Tirunelveli.

2. After verification from the Registry, we have come to see that already a Criminal Appeal, filed against the very same judgment impugned in this petition, is pending.

3. Learned counsel appearing for the petitioner submitted that he was unaware of the pendency of the said Criminal Appeal. Since he was requested to file the Criminal Appeal with *bona fide* intention, he has proceeded on the instructions given by his client and there is no *mala fide* motive. Therefore, he sought permission of this Court to withdraw this petition.

4. We are finding that there is huge delay, however, taking note of the fact that already a criminal appeal filed against the very same judgment impugned in this petition, is pending, this petition is not maintainable. Hence, this petition is dismissed. Consequently, connected CrI.A. (MD) SR.No.829 of 2020 is rejected.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

smn2

To

1. The IV Additional District and Sessions Judge,
Tirunelveli.

2. Do-Thro The Principal District Sessions Judge,
Tirunelveli.

3. The Judicial Magistrate No.IV,
Tirunelveli

4. Do -thro The Chief Judicial Magistrate, Tirunelveli.



CrI.M.P. (MD) No.232 of 2020 in
CrI.A. (MD) SR.No.829 of 2020 &
CrI.A. (MD) SR.No.829 of 2020

5.The Inspector of Police,
Town Police Station,
Tirunelveli.

6.The Superintendent,
Central Prison,
Palayamkottai, Tirunelveli.

7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:
The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai

CrI.M.P. (MD) No.232 of 2020
in
CrI.A. (MD) SR.No.829 of 2020
21.02.2020

KK/16.03.2020/ 3P- 9C