

Crl.M.P.No.3299 of 2021
in
Crl.A.SR.No.8537 of 2021

P.VELMURUGAN.,J

The petitioner has filed the present miscellaneous petition to condone the delay of 1258 days in filing the Appeal against the judgment of acquittal dated 05.07.2016 passed in Sessions Case No.8 of 2008 on the file of the Principal District and Sessions Court, Dharmapuri.

2. The petitioner registered the case against the respondents in Crime No.467 of 2001 and after trial, the trial court acquitted the respondents. Challenging the same, the respondent has filed the appeal, however with delay. Since there is a delay of 1258 days in filing the appeal, the petitioner has come before this Court to condone the delay.

3. The learned Government Advocate would submit that he has explained the reasons for delay in the affidavit filed in support of the petition, though the respondents had filed the counter, they have stated that the delay has not been properly explained and also placed reliance upon the decision of

this Court in M.P.No.1 of 2010 in Crl.A.SR.No.12951 of 2010.

4. Heard and perused the records.

5. This petition has been filed to condone the delay of 1258 days in filing the Appeal against the judgment of acquittal dated 05.07.2016 passed in Sessions Case No.8 of 2008 on the file of the Principal District and Sessions Court, Dharmapuri.

6. On a reading of the affidavit, the petitioner has clearly explained the reasons for delay. Though the learned counsel for the respondent has filed the counter and raised the contentions that the delay has not been properly explained by relying upon judgment M.P.No.1 of 2010 in Crl.A.SR.No.12951 of 2010, however the said decision is not applicable to the present case at hand.

7. In the affidavit filed in support of the condonation of delay, the

petitioner has given various reasons to condone the delay in not taking steps to file the appeal. Therefore, the delay has been properly explained in the affidavit filed by the petitioner. On a reading of para 3 and 4 of the affidavit, this Court satisfied with the reasons stated in the affidavit for condonation of delay. Therefore, the delay is condoned.

8. Registry is directed to number the appeal if it is otherwise in order.

27.08.2021

mfa

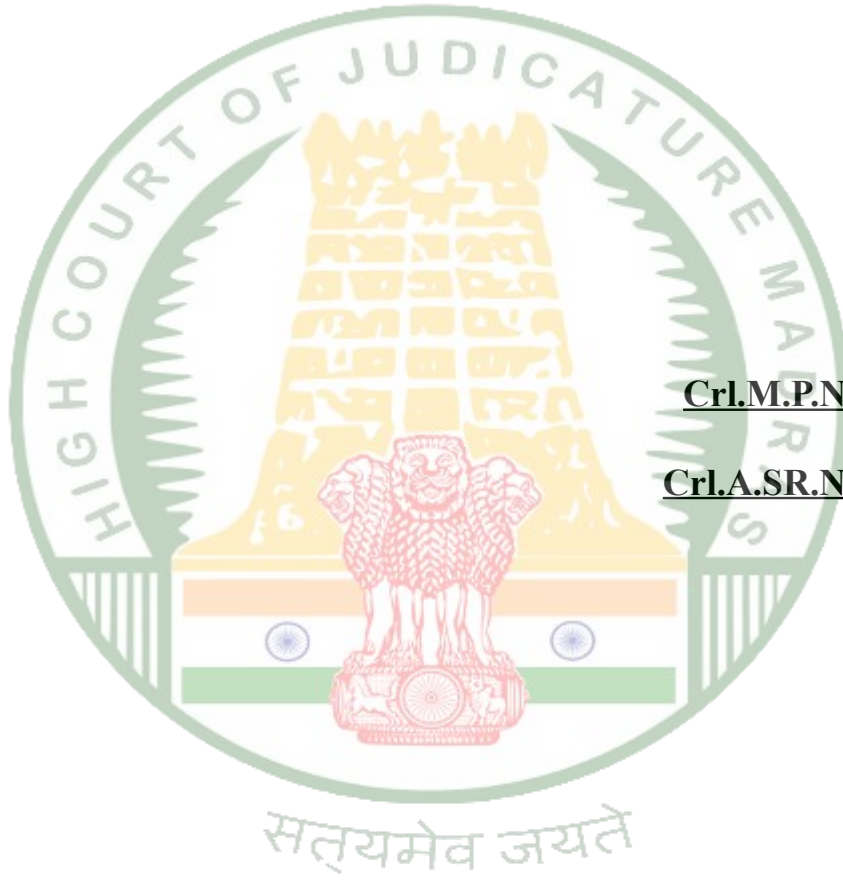


WEB COPY

Crl.M.P.No.3299 of 2021

P.VELMURUGAN.,J

mfa



Crl.M.P.No.3299 of 2021
in
Crl.A.SR.No.8537 of 2021

WEB COPY

27.08.2021