

Crl.MP.No.7839 of 2020
in
Crl.A.SR.No.32230 of 2020

A.D.JAGADISH CHANDIRA, J.

The petition has been filed to condone the delay of 323 days in filing an Appeal against the acquittal of the respondent / accused.

2.The petitioner has filed an affidavit.

3.It has been averred in the affidavit that the judgment was passed by the Trial Court in Special C.C.No.07 of 2014 on 12.09.2019 and the copy application was filed on the same day and it was obtained on 17.09.2019. Thereafter, the petitioner had submitted the judgment copy on 27.01.2020 to the learned Additional Legal Advisor (Western Range), Directorate of Vigilance and Anti-Corruption (DVAC), Chennai for obtaining legal opinion. The legal opinion along with a judgment copy was submitted to the Directorate of DVAC and the proposal was sent by the Directorate of DVAC, Chennai, vide letter in R.C.No.142/2008/POL/CB dated 17.02.2020 to the Additional Chief Secretary to Government, Home Department, Secretariat, Chennai. Subsequently, the Government had sent the proposal to the office of the Public Prosecutor, High Court, Madras on 18.03.2020 vide Govt.Lr.No.11197/Pol.IV/2020-1 and the same was received by the PP's office on 18.04.2020. After perusing the entire

records, the Public Prosecutor had opined that it is a fit case for filing appeal against acquittal and legal opinion was sent to the Joint Secretary to Government, Home [Pol-IV] Department on 18.06.2020 and based on the opinion, permission was accorded to the petitioner to file an appeal before this Court against the order of acquittal in Spl.C.C.No.7 of 2014 vide G.O.(Ms.)No.257 Home [Pol.IV] Department dated 22.07.2020.

3.Learned Additional Public Prosecutor would further submit that due to COVID Pandemic situation, the offices were not functioning properly thereby there had been a delay in filing the appeal, which is neither wilful nor wanton.

4.The respondent had filed counter.

5.Learned counsel appearing for the respondent would submit that the petitioner has not explained each and every day's delay and thereby he would oppose to condone the delay in preferring the appeal.

6.Heard the counsels. Perused the affidavit and counter.

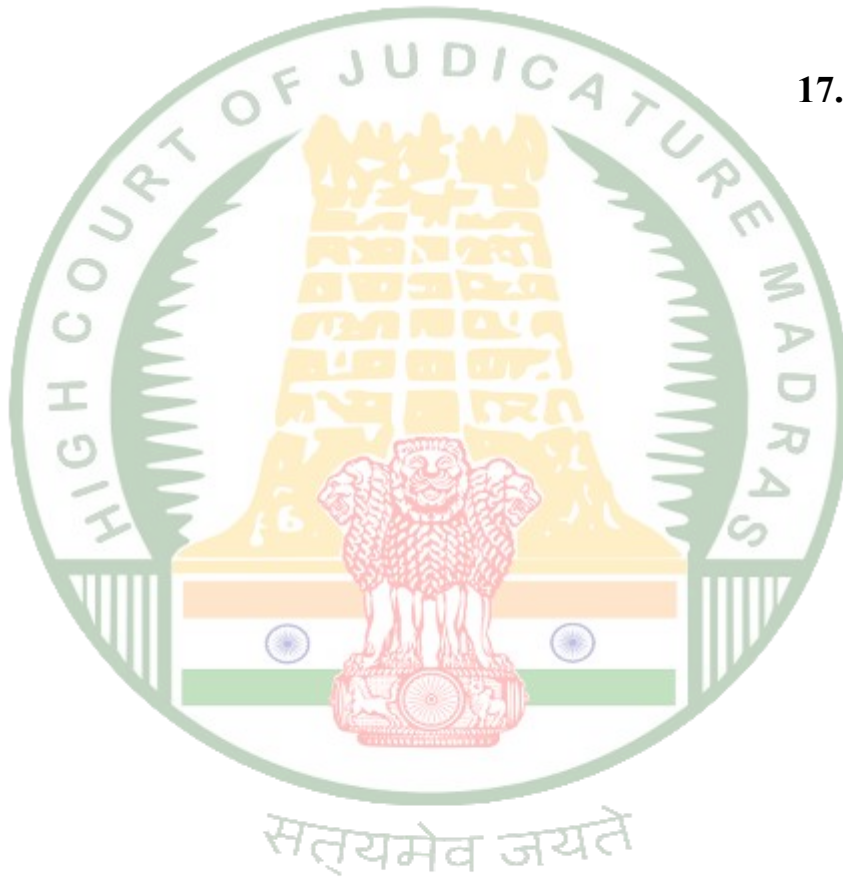
7.Admittedly there had been some delay on account of the Covid Pandemic situation. It is an unexpected situation.

8.This Court is satisfied with the reasons stated in the affidavit. The delay of 323 days in filing the appeal is hereby condoned.

9.Registry is directed to number the Criminal Appeal in Crl.A.SR.No.32230 of 2020, if it is otherwise in order.

kas

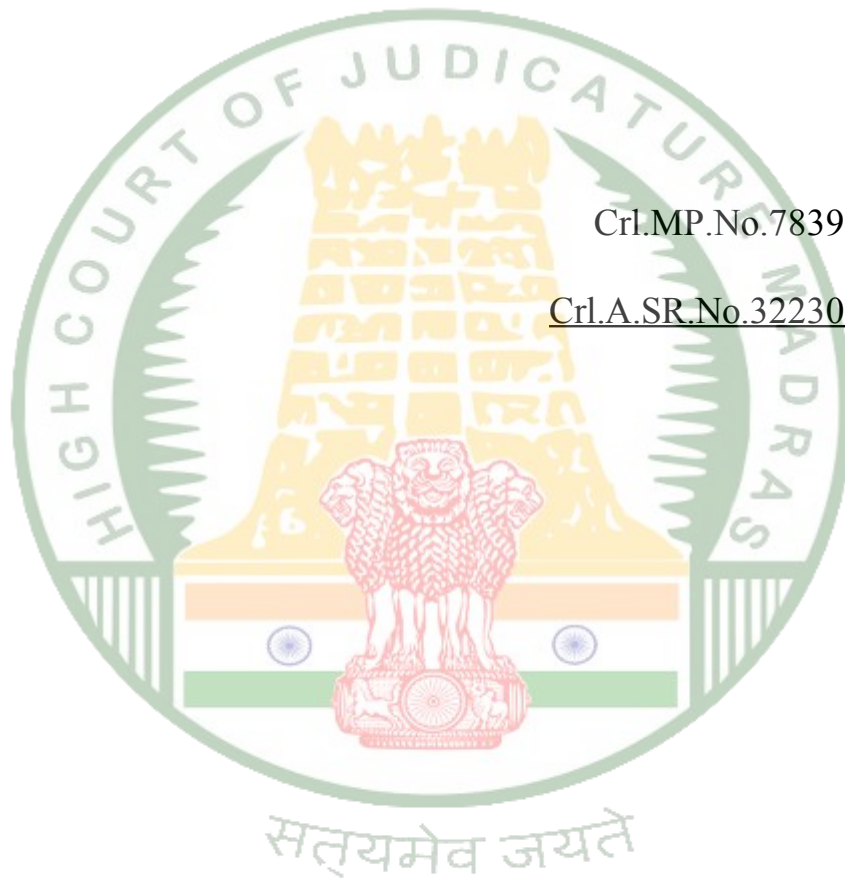
17.02.2021



WEB COPY

A.D.JAGADISH CHANDIRA, J.

kas



CrI.MP.No.7839 of 2020
in
CrI.A.SR.No.32230 of 2020

17.02.2021

WEB COPY