

Crl.M.P.No.10384 of 2021
in Crl.A.No.440 of 2012

C.V.KARTHIKEYAN,J.

Heard the learned Counsel for the petitioner.

2. This petition has been filed seeking to condone the delay in filing application to substitute responsible person to represent the deceased accused/deceased appellant.

3. The appellant was public servant. Section 394 of Cr.P.C., provides that on the death of appellant, the appeal abates, but, however, it also provides that if the appellant has expired, any of his/her nearest relative can be substituted to proceed further with the appeal. However, a petition should be filed within a period of thirty days for that purpose.

4. This petition has been filed to condone the delay of 2023 days for filing of such an application.

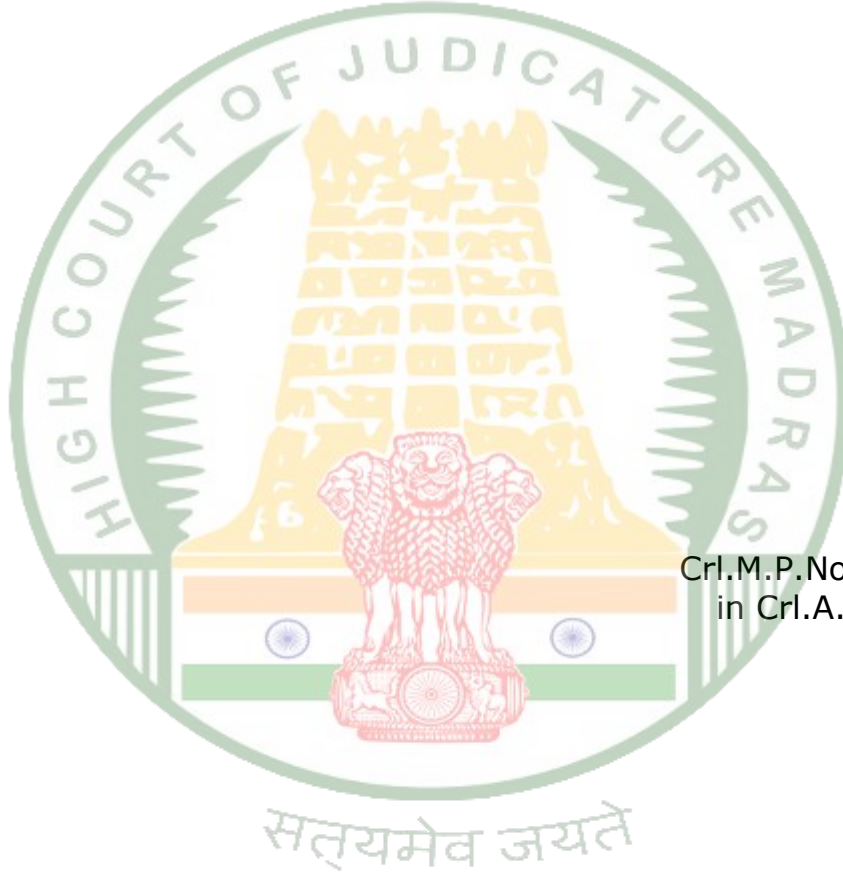
5. In view of the reasons stated and on hearing of the learned Counsels, the Criminal Miscellaneous Petition is allowed and the delay is condoned.

07.10.2021

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C.V.KARTHIKEYAN,J.

grs



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