



Crl.M.P.No.2397 of 2
in Crl.A.No.SR902 of 2022

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P.N.PRAKASH, J.

and

A.A.NAKKIRAN, J.

(Made by *P.N.PRAKASH, J.*)

This criminal miscellaneous petition has been filed to condone the delay of 3385 days in filing the above appeal against the judgment and order of dated 08.10.2010 passed in S.C.No.297 of 2010 on the file of the Principal Sessions Court, Villupuram District.

2. It is seen that on 08.10.2010 in S.C.No.297 of 2010, the trial Court convicted the petitioner of the offence under Section 302 IPC and sentenced to undergo life imprisonment.

3. Challenging the aforesaid conviction and sentence, the petitioner has filed the present appeal along with a petition for condonation of delay of 3385 days under Section 5 of the Limitation Act, 1963.

4. Earlier, when the petitioner filed Crl.M.P.No.1007 of 2022 in Crl.A.No.SR902 of 2022 to dispense with the production of the original copy of the original copy of the judgment and order of the trial Court, this Court passed the following order on 18.02.2022:

“This criminal miscellaneous petition has been filed to dispense with the production of the original copy of the judgment and order dated 08.10.2010 passed in S.C.No.297 of 2010 on the file of the Principal Sessions Court, Villupuram



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District.

2. On 04.02.2022, we passed the following order:

“The Registry is directed to verify as to whether the appellant herein has filed any appeal through another counsel challenging his conviction and sentence by judgment and order dated 08.10.2010 passed in S.C.No.297 of 2010 on the file of the Principal Sessions Court, Villupuram and place a report before this Court on 18.02.2022.

2. The Registry is also directed to call for a report from the trial Court as to whether the original records and material objects are available in S.C.No.297 of 2010 and place the same before this Court on 18.02.2022.

Post the matter on 18.02.2022.”

3. Pursuant to the above, the Registry has put up a office note, wherein, it is stated as follows:

“On verification, it is respectfully submitted that the petitioner in the above said case has not preferred any appeal through any other counsel challenging his conviction and sentence in S.C.No.297 of 2010 dated 08.10.2010 passed by the Principal Sessions Judge, Villupuram.

It is further submitted that the Principal District Judge, Villupuram, has mailed this Registry to its availability of original records and material objects in S.C.No.297/2010 and has also forwarded the extract of material objects (C.P.Register) in R.K.D.No.1255/2022, dt.16.02.2022. The said letter is enclosed herewith for Your Lordship's kind perusal at Flag 'A'.”

In view of the above, dispensed with for the present. The Registry shall number the appeal, if the same is otherwise in order.”



5. A reading of the above shows that the petitioner has not filed any other appeal through another counsel and that the trial Court records are available.

6. Mr.R.Muniyapparaj, learned Additional Public Prosecutor takes notice for the respondent.

In the light of the above and accepting the reasons stated in the affidavit filed in support of this petition, the delay of 3385 days in filing the above appeal is condoned. The Registry shall number the appeal, if the same is otherwise in order.

(P.N.P.,J.) (A.A.N.,J.)
07.03.2022

nsd



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