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Crl.M.P.No.3738 of 2022 in
Crl.A.SR.No.11257 of 2022

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G. CHANDRASEKHARAN, J.

This petition is filed to condone the delay of 403 days in filing the criminal appeal in C.C.No.2/2011 against the judgment dated 19.12.2018 passed by XIV Additional Special Judge for CBI Cases full Additional charge of XII Additional Special Judges for CBI Cases, Chennai.

2. Learned counsel for the petitioner submitted that petitioner was convicted in C.C.No.2/2011 for the offence under Section 120B of IPC and sentenced to undergo rigorous imprisonment for one year and to pay a fine amount of Rs.5,000/- in default to pay the fine, to undergo simple imprisonment for three months and under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 he was sentenced to undergo rigorous imprisonment for four years and to pay a fine of Rs.1,00,000/- in default to pay the fine, to undergo simple imprisonment for one year by the XIV Additional Special Judge for CBI cases, Chennai on 19.12.2018.

2(i). It is further submitted that he was also convicted in C.C.No.24/2015 for the offence under Section 13(2) r/w 13(1)(e) of Prevention of Corruption Act, 1988 and sentenced to undergo rigorous imprisonment for two years and also to pay a fine



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amount of Rs.1,00,000/- in default to pay the fine, to undergo rigorous imprisonment for six months by the IX Additional Special Judge for CBI cases, the said order was passed on 13.10.2015.

2(ii). He preferred criminal appeal in criminal appeal No.691/2015 against the judgment in C.C.No.24/2015 and that was dismissed confirming the judgment of the trial Court. Then, he preferred S.L.P., before the Hon'ble Supreme Court in SLP (Crl).No.5599/2018 that was also ended in dismissal. In the meanwhile, he suffered serious health issues. He did not prefer appeal against the judgment in C.C.No.2/2011 due to physical disablements and intervening corona. He was remanded in C.C.No.2/2011 through PT Warrant on 29.01.2020. Thus, there is a delay of 403 days in filing the appeal against the judgment in C.C.No.2/2011.

3. Learned Special Public Prosecutor appearing for the respondent also concedes the factual situation of conviction recorded against the petitioner in C.C.No.2/2011 and C.C.No.24/2015, and that the petitioner is continuing in incarceration in the jail.

5. Considered the rival submission and perused the records.



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6. It is seen from the submission and records that petitioner was taken to custody after being convicted in C.C.No.24/2015 and again he was remanded through PT Warrant in C.C.No.2/2011. He is in judicial custody. There is also material to support his claim that he is not well and therefore, he was provided Class-A facility in the jail.

7. It is being the jail appeal, this Court is of the considered view that the delay of 403 days in filing the criminal appeal against the judgment in C.C.No.2/2011 can be condoned and accordingly, this petition stands allowed.

8. Registry is directed to number the criminal appeal against the judgment in C.C.No.2 of 2011, if it is otherwise in order and list the matter for admission.

23.03.2022

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