



Crl.M.P.No.12629 of 2021
in
Crl.A.No.SR34860 of 2021

P.N.PRAKASH, J.
AND
R.N.MANJULA, J.

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

This criminal miscellaneous petition has been filed to condone the delay of 429 days in filing the above appeal against the judgment and order of acquittal dated 12.10.2018 passed in S.C.No.82 of 2015 on the file of the Additional District and Sessions Court, (Fast Track Mahila Court), Tiruvarur.

2. Pursuant to our order dated 07.12.2021, the trial Judge has sent a report dated 23.12.2021, wherein, it is stated that the respondent/accused was produced before the trial Court on 23.12.2021 and he was informed of the pendency of this case before this Court and a bond under Section 88 Cr.P.C. for Rs.10,000/- was obtained from him with the further direction to appear before this Court on 05.01.2022.

3. Today, when the matter was taken up for hearing, Mr.Swami Subramanian, Advocate (Enrollment No.554 of 2010) entered appearance for the respondent/accused and submitted that on account of COVID-19 protocol, the respondent/accused is unable to be present physically before this Court.

4. His submission is accepted.

5. Heard Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the petitioner/State and Mr.Swami Subramanian, learned counsel for the respondent/accused.



6. Mr.Swami Subramanian, learned counsel for the respondent/accused submitted that the petitioner/State has not given satisfactory reasons for condonation of delay of 429 days and prayed for rejection of this petition.

7. In support of this petition for condonation of delay, the Investigating Officer has filed an affidavit, wherein, in paragraph no.4, he has stated as follows:

“4. I humbly submit that, after my joining as Inspector of Police, Perugavazhnan Police Station on 02.08.2021, I have immediately took up this task, collected all the relevant papers in connection with the filing of the said appeal and appeared before the Learned Public Prosecutor, at the Office of the Public Prosecutor situated at Madras High Court Buildings. Due to Covid-19 lock down, I could not able to reach Chennai for collecting the filing papers in time. On finding the papers to be in order, the Learned Public Prosecutor approved the filing papers and made ready the same on 1.09.2021 before the Madras High Court.”

Accepting the aforesaid reason, the delay of 429 days stands condoned. The Registry shall number the leave petition before numbering the appeal, if the same is otherwise in order and post the leave petition on 10.01.2022. The Registry shall also print the name of Mr.Swami Subramanian as the learned counsel for the respondent/accused in the cause list.

(P.N.P.,J.) (R.N.M.,J.)

05.01.2022



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- 1.The Additional District and Sessions Judge,
(Fast Track Mahila Court),
Tiruvarur
- 2.The Inspector of Police,
Perugavazhnthan Police Station,
Tiruvarur District.
- 3.The Public Prosecutor
Madras High Court,
Chennai – 600 104.



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