



Crl.M.P.No.12142
in Crl.A.No.SR35153 of 2021

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

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

This criminal miscellaneous petition has been filed to condone the delay of 82 days in filing the above appeal against the judgment and order of acquittal dated 24.09.2019 passed in S.C.No.132 of 2013 on the file of the Principal District and Sessions Court, Tiruvannamalai District.

2. Notice was served on the respondents/accused 2 to 5 and Mr.P.Balamurugan, learned counsel has entered appearance.

3. Heard Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the petitioner/State and Mr.P.Balamurugan, learned counsel for the respondents/accused 2 to 5.

4. In the affidavit filed by the Inspector of Police, Kalasappakam Police Station, Tiruvannamalai District, in support of the condonation of delay petition, he has stated as follows:

“The Government sent the proposal to the office of the Public Prosecutor, High Court, Madras, on 13.01.2020 vide Govt.Lr.No.1822/Cts.VII/2020-1 and the same was received by the Public Prosecutor's office, High Court, Madras, on 21.01.2020. After perusing the entire records, the Public Prosecutor, High Court of Madras, thought that this is a fit case for filing an appeal against acquittal and accordingly sent a Legal Opinion to the Joint Secretary to Government, Home (Courts-VII) Department, Secretariat, Chennai on 10.02.2020 and the Government issued G.O.(2D).No.61 dated 03.03.2020.



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5. I humbly submit that, I 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. As per the advice of the Learned Public Prosecutor, the filing papers were prepared and submitted for verification only on 26.09.2021 due to the Covid situation and lock downs. On finding the papers to be in order, the Learned Public Prosecutor filed the appeal on 30.09.2021 before the Madras High Court.”

Accepting the aforesaid reasons, the delay of 82 days in filing the above appeal is condoned. The Registry shall number the leave petition before numbering the appeal, if the same is otherwise in order. The Registry is also directed to print the name of Mr.P.Balamurugan, learned counsel for the respondents/accused 2 to 5 in the cause list.

(P.N.P.,J.) (R.H.,J.)
25.01.2022

nsd