



Crl.M.P.No.12600 of 2021
in Crl.A.No.SR39153 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 84 days in filing the appeal against the judgment and order of acquittal dated 18.10.2019 on the file of the Sessions Court, (Mahila Court), Perambalur District.

2. Pursuant to the order dated 02.12.2021, notice in this petition was served on all the respondents/accused, as could be seen from the report dated 05.01.2022 that has been sent by the trial Court.

3. Mr.R.Rajan, learned counsel has entered appearance for Illagovan (R1), Swamymalai (R2), Manju @ Deepak (R4), Ravikaran (R7), Suresh (R8), Ranjith (R9) and Vicky @ Vickneshwaran (R10). Mr.A.P.Swamy, learned counsel has entered appearance for Deeban (R3). Mr.J.Milton Arul Rajendran, learned counsel has entered appearance for Jeyaprakash (R11).

4. Though notice has been served and bond under Section 88 Cr.P.C. has been obtained by the trial Court from Sakthivel (R5) and Sasikaran (R6), they are neither present before this Court *via* video conferencing nor have engaged an Advocate.



5. Heard Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the petitioner/State, Mr.R.Rajan, learned counsel for the respondents 1, 2, 4, 7 to 10, Mr.A.P.Swamy, learned counsel for the 3rd respondent and Mr.J.Milton Arul Rajendran, learned counsel for the 11th respondent.

6. The learned counsel for the respondents strongly opposed this petition for condonation of delay and submitted that the petitioner/State has not given satisfactory reasons for condoning the delay.

7. It is seen that the Inspector of Police, Perambalur Police Station, has filed an affidavit in support of this petition for condonation of delay, wherein, in paragraph no.4, he has stated as follows:

“4. I humbly submit that, after my joining as Inspector of Police, Perambalur Police Station on 11.08.2021. 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 28.10.2021 before the Madras High Court.”



8. In view of the above and being satisfied with the reasons assigned in the affidavit filed in support of this petition, the delay of 84 days in filing the above appeal is condoned.

Accordingly, this criminal miscellaneous petition stands allowed. The Registry shall number the leave petition before numbering the appeal, if the same is otherwise in order and print the names of Mr.R.Rajan, learned counsel for the respondents 1, 2, 4, 7 to 10, Mr.A.P.Swamy, learned counsel for the 3rd respondent and Mr.J.Milton Arul Rajendran, learned counsel for the 11th respondent, in the cause list.

(P.N.P.,J.) (R.N.M.,J.)
12.01.2022

nsd

To

- 1.The Sessions Judge, (Mahila Court),
Perambalur District.
- 2.The Inspector of Police,
Perambalur Police Station,
Perambalur District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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