



Crl.M.P.No.16756 of 2022 in Crl.A.SR No.52864 of 2022

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P.N.PRAKASH.J.,
AND
RMT.TEEKAA RAMAN.J.,

[Order of the Court was made by P.N.PRAKASH.J.,]

This Criminal Miscellaneous Petition has been filed seeking to condone the delay of 4714 days in filing the Criminal Appeal against the judgment and order of conviction and sentence dated 05.10.2009 passed by the learned Principal District and Sessions Judge at Villupuram in S.C.No.168 of 1999.

2. On 09.11.2022, we passed the following order:-

“The Registry is directed to verify as to whether the appellant has filed another appeal through some other counsel challenging his conviction and sentence by judgment and order dated 05.10.2009 passed in S.C.No.168 of 1999 on the file of the Principal District and Sessions Court, Villupuram and place a report before this Court on 30.11.2022. 2. The Registry is also directed to call for a report from the trial Court as to whether the material objects and original records are available in S.C.No.168 of 1999.

Post the matter on 30.11.2022.”



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3. Pursuant to the above, the trial court has sent a report dated 28.11.2022, wherein, it is stated as under:-

“In this connection, it is respectfully submitted that the letter received vide D.No.11628, dated 23.11.2022 from the Principal District and Sessions Judge, Villupuram to its availability of material objects and original records in S.C.No.168 of 1999 is enclosed at Flag 'A' for Your Lordship's kind perusal.”

4. From the above, it is seen that the original records and the material objects are still available in the trial court. The Registry has also put up a note stating that no appeal has been preferred by any other counsel challenging the judgment and order of conviction and sentence of the petitioner in S.C.No.168 of 1999. In this matter, the legal services authority has nominated the present counsel to take up the case for the convicted prisoners, who have not filed any appeal challenging their convictions and sentences, pursuant to the directions of the Supreme Court.

5. Accepting the reasons, the delay is condoned.



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In the result, this miscellaneous petition is allowed and the delay of 4714 days in filing the criminal appeal is condoned. It is seen that the appellant has been convicted and sentenced for the offence under Section 396 IPC, apart from u/s 392 IPC, which necessarily means that there are co-accused in Uludurpet Police Station Crime No.550 of 1997. Therefore, the Registry is directed to verify about the same and report to this court.

[P.N.P., J]

[TKR,J.]

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Note: The Registry is directed to number the criminal appeal, if the papers are otherwise in order.



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