



WEB COPY

CRL MP(MD)



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Tenth day of August Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH
and

The Hon`ble Mrs.Justice R.HEMALATHA

CRL MP(MD) No.8097 of 2022

in

CRL A(MD) SR.No.20999 of 2022

SENTHIL

... APPELLANT/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THATHAIYANGARPETTAI POLICE STATION,
TRICHY DISTRICT.
CRIME NO.115 OF 2008.

... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Condone the delay of 2828 days in preferring this Criminal Appeal as against the Judgment and conviction rendered in S.C.No.127 of 2009 on the file of the Hon'ble Sessions Judge of Tiruchirappalli Division, Tiruchirappalli dated 10.07.2012.

Prayer in CRL A(MD)SR.No.20999 of 2022 :

To call for the entire records connected to the judgment in S.C.No.127 of 2009 on the file of the Hon'ble Sessions Judge of Tiruchirappalli Division, Tiruchirappalli dated 10.07.2012 and set aside the conviction and sentence imposed against the appellant.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ALAGUMANI R, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by P.N.PRAKASH,J.)

Pursuant to the order dated 27.06.2022, the Registry has placed the following note:-

"In this regard, it is submitted that on verification of the data in computer, it appears that no appeal has been preferred by the appellant herein against the conviction and sentence imposed in S.C.No.127 of 2009, dated 10/07/2012, passed by the Sessions Court, Tiruchirappalli, through any other counsel."



2. Pursuant to the order dated 15.07.2022, the trial Court has sent the following report:-

"I further humbly submit that the back records are available in Central Record of this Court and the material objects involved in this case M.O.S.1 to 4 and 6 to 12 were destroyed on 19.11.2013 and M.O.5 TVS XL Super was confiscated to Government on 03.01.2014, as per Judgment dated 10.07.2012.

I humbly submit the above report for favour of Honour's kind perusal and consideration."

3. A reading of the above shows that the material objects have been destroyed and the same are not available in the trial Court. Therefore, the appellant cannot insist upon the production of the material objects as the fault lies on him for not having preferred the appeal within a reasonable time.

4. In view of the above, the delay of 2828 days in preferring the criminal appeal stands condoned on condition that the appellant cannot insist upon the production of the material objects. Registry is directed to number the appeal, if the papers are otherwise in order.

sd/-

10/08/2022

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/08/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SESSIONS JUDGE, TIRUCHIRAPPALLI DIVISION, TIRUCHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE, THATHAIYANGARPETTAI POLICE STATION, TRICHY DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TIRUCHIRAPPALLI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SECTION OFFICER, CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.8097 of 2022
in CRL A(MD) SR.No.20999 of 2022
Date :10/08/2022

PKN

RS/SVR/SAR.3 (22.08.2022) 2P-6C

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