



Crl.A.No.125 of 2022

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WEB CO

P.N.PRAKASH, J.

AND

N.ANAND VENKATESH, J.

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

During the course of hearing in Crl.A.No.125 of 2022 filed by Murugesan @ Murugan, we noticed that in a connected case in Spl.S.C.No.5 of 2017, the accused therein, by name Sembulingam was also convicted and sentenced on 23.06.2017. However, he had chosen not to file any appeal in this Court. Therefore, we directed the production of Sembulingam before us from the Central Prison, Coimbatore, *via* video conferencing.

2. Today, Sembulingam was produced before us as directed *supra*. When we enquired him, he stated that he is aware of the fact that two of the other accused have already been acquitted by this Court, but, for paucity of funds, he has not been able to engage an Advocate for filing an appeal before this Court.



3. We apprised him of his right to have free legal aid and also informed him that we will nominate a competent Advocate to take up his case *pro bono*, for which, he agreed.

4. Therefore, we nominated Mr.N.Manoharan (Enrolment No.821/1995; Mobile No.9444170271), who had earlier filed appeals for Murugesan @ Murugan, Sivakumar and Vijayakumar, to take up the case of Sembulingam.

5. When we enquired Sembulingam as to whether, he has a free copy of the judgment that was supplied to him by the trial Court after he was sentenced, he stated that he was indeed given a copy of the judgment, but, he had handed it over to his daughter, who had unfortunately died thereafter. Therefore, he stated that he does not even has the copy of the judgment of the trial Court.

6. However, Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor produced a web copy of the said judgment from case diary.



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7. We furnished a photocopy of the same to Mr.N.Manoharan, Advocate, for the purposes of filing an application for dispense with and for filing an application for condonation of delay in filing the criminal appeal for Sembulingam.

The Madras High Court Legal Services Committee is directed to pay a sum of Rs.10,000/- as remuneration to Mr.N.Manoharan. Of course, we are passing final judgment in Crl.A.No.125 of 2022 separately.

P.N.P., J.] [N.A.V., J.]
09.01.2023

nsd



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