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*Crl. M.P.No.1832 of 2023
in Crl.A.SR.No.6162 of 2023*

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Crl.A.SR.No.6162 of 2023

M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

(Order of the Court was made by M.SUNDAR,J.,)

Captioned 'Criminal Miscellaneous Petition' [hereinafter 'Crl MP' for the sake of convenience and clarity] has been filed with 'condonation of delay' ['COD'] prayer. COD is qua 85 days in filing Criminal Appeal being Crl.A.SR.No.6162 of 2023 against the judgment dated 09.09.2022 in S.C.No.40 of 2018 on the file of II Additional District and Sessions Court, Vellore District at Ranipet.

2.Mr.M.Rajkumar, learned counsel on record for petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepts notice on behalf of all respondents are before us.

3. Learned Additional Public Prosecutor confirms that no other appeal has been preferred against the aforesaid judgment of trial Court.



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4. Be that as it may, learned counsel for petitioner draws our attention to paragraph No.6 of support affidavit and submits that the reason qua COD prayer has been articulated therein. To be noted, paragraph No.6 of support affidavit reads as follows:

'6. I submit that i was very confident that the case end in acquittal, unfortunately the case ended in conviction, I was taken to the prison and confined there. Since then, I am languishing in jail. After the judgment was pronounced, I got dejected in life and did not want to prefer any appeal and kept quiet. Another reason for not perusing the appeal before the Hon'ble High Court is that I do not have enough money to prefer appeal and no one to support for me to prefer appeal.'

5. Considering the facts and circumstances of the case, we have no difficulty in accepting the reason qua COD prayer.

6. Captioned Crl MP ordered as prayed for. Delay condoned. There shall be no order as to costs.

[M.S.J.,]

[M.N.K.J.,]

10.02.2023

mk

M.SUNDAR, J.,



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