



WEB COPY



*Crl. M.P.No.2774 of 2023
in Crl.A.SR.No.39252 of 2022*

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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. To be noted, COD is qua 171 days in filing Criminal Appeal being Crl.A.SR.No.39252 of 2022 as against sentence handed down by learned Principal Sessions Judge, Tiruppur in S.C.No.63 of 2021 on 01.04.2022.

2. Mr.S.Roshan, learned counsel representing the counsel on record for petitioner is before us.

3. Mr.R.Muniyapparaj, learned Additional Public Prosecutor accepts notice for the respondent and submits that no other appeal has been preferred by the petitioner.



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4. It is not necessary to dilate further as Mr.S.Roshan, learned counsel for petitioner submits that the briefing counsel has a new arrival (baby) in the family which kept the counsel away from her regular work.

5. We find that the affidavit has been sworn to by Advocate. We are of the view that such practice should be avoided. However, we make an exception in this case as a one off matter and we accede to the COD prayer considering the facts and circumstances of the case and nature of the matter in the hope that such instances do not recur. If they do recur we may have to take a adverse view is the caveat.

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.,]
24.02.2023

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