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CrI.M.P.No.4558 of 2023
in
CrI.A.SR.No.14854 of 2023

Dr.G.JAYACHANDRAN, J.

This Criminal Appeal is filed against the acquittal preferred by the CBI with the delay of 100 days.

2. The Affidavit filed for condonation of delay was not satisfactory. Since there is no proper explanation for enormous delay, the learned Special Public Prosecutor (CBI) took time to file a better affidavit and accordingly additional affidavit is filed stating the reason.

3. The learned counsels appearing for the respondents strongly opposed the condonation of delay stating that the Department has thought it is fit to prefer the appeal only after one of the accused approached the Court and got acquittal, moved the Court with prejury invoking Section 340 of Cr.P.C. However, this fact is disputed by the learned Special Public Prosecutor even before filing a petition under Section 340 Cr.P.C., the appeal was presented before the Registry.



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rpl

4. Be that as it may. The delay been sufficiently explained through two affidavits, dated 23.03.2023 and 14.07.2023, the delay is condoned.

5. The Registry is directed to list the leave petition on 26.07.2023.

18.07.2023

rpl

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