



WEB COPY



*Crl.M.P.No.13642 of 2023
in Crl.A.SR. No.28386 of 2023*

**Crl.M.P.No.13642 of 2023
in Crl.A.SR.No.28386 of 2023**

**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

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

Captioned 'Criminal Miscellaneous Petition' [hereinafter 'Crl MP' for the sake of brevity, convenience and clarity] has been filed with 'condonation of delay' ['COD'] prayer. To be noted, COD is qua 408 days delay in filing Criminal Appeal being Crl.A.SR.No.28386 of 2023 as against the judgment of conviction and sentence passed by learned Principal Sessions Judge, Kancheepuram at Chengalpattu, in S.C.No.13 of 2013 on 31.03.2021.

2. Mr.D.Gunasekaran, learned counsel on record for petitioner is before us. Learned counsel submits that delay sought to be condoned is neither willful nor wanton but owing to poverty.

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



WEB COPY



*Crl.M.P.No.13642 of 2023
in Crl.A.SR. No.28386 of 2023*

**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

mmi

4. Considering the facts and circumstances of the case and the nature of the matter, we accept the reason for delay i.e., due to poverty, the appeal could not be presented within the period prescribed under the statute.

5. Sequitur of the narrative thus far is, delay is condoned and captioned Crl.MP is ordered as prayed for.

**[M.S.,J.] [R.S.V.,J.]
31.08.2023**

mmi

**Crl.M.P.No.13642 of 2023
in
Crl.A.SR.No.28386 of 2023**