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Crl.M.P.No.8982 of 2023

in

Crl.A.No.29631 of 2023

M.SUNDAR.J.,

and

R.SAKTHIVEL.J.,

Captioned 'Criminal Miscellaneous Petition' ['Crl. M.P' for the sake of brevity] has been filed with a 'Condonation of Delay' ['COD'] prayer seeking to condone the delay in preferring an appeal under Section 21 of 'National Investigation Agency Act, 2008 (Act 34 of 2008)', which shall hereinafter be referred to as 'NIA Act' for the sake of brevity. To be noted, the delay sought to be condoned is 47 days.

2. Issue notice. Mr.R.Karthikeyan, learned Special Public Prosecutor for NIA cases accepts notice and points out that there is a cap for COD.

3. We find that the cap is 90 days and an appellant has 30 days to prefer an appeal. This is vide two provisos to Section 21. In the case on hand, the impugned order itself is dated 21.03.2023 and therefore, delay is within condonable cap. We are informed that the impugned order is dismissal of a discharge application under Section 227 of 'The Code of Criminal Procedure, 1973 (2 of 1974)' [hereinafter 'Cr.P.C' for the sake of brevity and clarity].



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4. The reason for delay is the financial difficulties faced by the appellant which has been articulated in paragraph 3 of the support affidavit.

5. Considering the facts and circumstances of the case and having considered the attendant circumstances, we are convinced that this is a fit case to accede to the COD prayer. Delay condoned.

Captioned Crl.MP ordered as prayed for.

(M.S., J) (R.S.V.,J)

30.06.2023

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