



Crl.M.P.No.12799 of 2023

Crl.M.P.No.12799 of 2023
in
Crl.A.SR.No.36785 of 2023
(Filing Number)

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 3042 days delay in filing Criminal Appeal being Crl.A.SR.No.36785 of 2023 as against a judgment of conviction and sentence made by I Additional District and Sessions Court, Coimbatore in S.C.No.116 of 2012 on 08.02.2013.

2. Mr.H.Maruthi Raj, 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 illness of the petitioner.

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.12799 of 2023

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

mk

4. Considering the facts and circumstances of the case and the nature of the matter, we accept the reason for delay i.e., that the petitioner was admitted in jail hospital owing to his illness and hence, he was not able to prefer the appeal in time. Though the delay is unduly long, considering that the appellant remains incarcerated, we are taking a very lenient view as it is an appeal against conviction but with a caveat that this view is in the light of how petitioner is circumstanced in the case on hand.

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.]
22.08.2023

mk

Crl.M.P.No.12799 of 2023
in
Crl.A.SR.No.36785 of 2023
(Filing Number)