



Crl.M.P.No.11998 of 2023

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in
Crl.A.SR.No.38433 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 628 days delay in filing Criminal Appeal being Crl.A.SR.No.38433 of 2023 as against the judgment of conviction and sentence passed by learned I Additional Sessions and District Judge, Thiruvallur in S.C.No.272 of 2016 on 27.09.2019.

2. Mr.S.Sabarish, 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 petitioner's mother not being aware of the procedure for filing an appeal.

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.



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4. Considering the facts and circumstances of the case and the nature of the matter, we accept the reason for delay i.e., petitioner's mother, who is an illiterate was not aware of the procedure to prefer an appeal.

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.]
16.08.2023

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