



*Crl.M.P.No.13192 of 2023
in Crl.A.SR. No.42014 of 2023*

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**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 42 days delay in filing Criminal Appeal being Crl.A.SR.No.42014 of 2023 as against the judgment of conviction and sentence passed by learned Sessions Judge, Principal POCSO Court, Salem, in Spl. S.C.No.51 of 2020 on 26.04.2023.

2. Mr.C.Prabakaran, 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 family problem.

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., due to family problem, the parents of the petitioner have not visited the petitioner in prison immediately and thereafter only they have taken steps to file 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.]
29.08.2023**

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