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Crl.M.P.No.16120 of 2023

Crl.M.P.No.16120 of 2023
in
Crl.R.C.SR.No.48242 of 2023

M. NIRMAL KUMAR, J.

This petition is filed to condone the delay of 508 days in preferring the above Criminal Revision against the conviction and sentence passed through the judgment in C.A.No.107 of 2019 on the file of III Additional District and Sessions Judge, Salem, dated 05.02.2020.

2. The petitioner/A1 and another accused Meganathan faced trial in C.C.No.118 of 2013 as A1 and A2. The trial Court by judgment dated 13.09.2017 convicted both petitioner/A1 and Meganathan/A2 for offences under Sections 457 and 380 of I.P.C. and sentenced to undergo three years Rigorous Imprisonment in each offence and both the sentences ordered to be run consecutively. Against which, the co-accused filed an appeal before the learned II Additional District and Sessions Judge, Salem in C.A.No.109 of 2018 and the petitioner filed an appeal before the learned III Additional District and Sessions Judge, Salem in C.A.No.107 of 2019. As regards A2, the learned II Additional District and Sessions Judge, by judgment dated 17.09.2018, partly allowed the appeal and modified the sentence as period already undergone. As regards this petitioner/A1 in C.A.No.107 of 2019, the III Additional District



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and Sessions Judge by judgment dated 05.02.2020, dismissed the appeal confirming the judgment and sentence of the trial Court, against which, the petitioner preferred the present appeal.

3. The petitioner, immediately after the judgment, was confined in prison and he was unable to immediately contact his counsel. Further due to poverty there was some delay. Hence, the revision has been filed with a delay.

4. Learned Additional Public Prosecutor takes notice for the respondent. He opposes this revision submitting that the petitioner has not given proper explanation for an inordinate delay of 508 days.

5. It is seen that the petitioner is in prison for more than three years. Due to the sentences ordered to be run consecutively, he is still in confinement. This plea of the petitioner is reasonable, needs consideration. In view of the same, the delay stands condoned and the petition is ordered.

13.10.2023

Note: Registry is directed to number the Criminal Revision, if it is otherwise in order and post the same 'For final hearing' on 08.11.2023.
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