



Crl.M.P.No.17441 of 2023
in Crl.A.SR.No.53026 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.

This petition has been filed seeking to condon the delay of 500 days in filing the Appeal against the acquittal judgment passed in Spl.C.C.No.06 of 2011 dated 30.03.2021, on the file of the learned Special Judge/Chief Judicial Magistrate, Dharmapuri.

2. Learned Government Advocate (Crl.Side) submitted that the respondent is arrayed as A2 in this case and the charges against him is that he had abetted and aided the first accused in the offence of receiving illegal gratification. In this Case, the trial Court, by the judgment dated 30.03.2021, had found the first accused guilty and convicted him, whereas, without considering the materials available on record, had erroneously acquitted the respondent/A2. He further submitted on the same day of the judgment, the petitioner had applied for a copy of the judgment and after obtaining the certified copy on 09.04.2021, opinion was sought for from the Deputy Legal Advisor, Vigilance and Anti-Corruption, Dharmapuri. The Deputy Legal Advisor had offered his opinion that



it is the fit case for filing an appeal and thereafter, a proposal was sent to the Secretary to Government, Commercial Taxes and Registration (K) Department, Secretariat, Chennai on 24.12.2021 and subsequently, the same had been forwarded to the office of the State Public Prosecutor, High Court of Madras on 06.06.2023. Thereafter, the appeal has been filed on 08.06.2023.

3. He further submitted that the petitioner has got a good case on merits, however, due to some administration lapses, there had been a delay of 500 days in filing the appeal. He also submitted that if the delay is not condoned, a grave prejudice should be caused to the petitioner when there are ample materials to prove the case against the respondent. Hence, he prayed for condoning the delay.

4. The respondent has filed a detailed counter.

5. Learned counsel for the respondent submitted that no proper reasons have been assigned by the petitioner to condone the delay of 500 days, which is about 2 years. He further submitted that the Section 5 of the Limitation Act is not an empty formality and the same has to be scrupulously followed and the



petitioner ought to have stated sufficient reason to condone the delay. Hence, he sought for dismissal of the petition.

6. Heard the learned Government Advocate (Crl.Side) and the learned counsel for the respondent and perused the materials available on record.

7. The reasons adduced in the affidavit filed in support of this petition and the submissions made by the learned Government Advocate (Crl.Side) being satisfactory, this criminal miscellaneous petition is ordered, thereby, the delay of 500 days in filing the Criminal Appeal is condoned.

8. Registry is directed to number the Criminal Appeal, if it is otherwise in order and print the name of Mr.C.Prabakaran, learned counsel for the respondent at the time hearing of the leave petition.

22.12.2023

ham



WEB COPY



A.D.JAGADISH CHANDIRA, J.

ham

***Crl.M.P.No.17441 of 2023
in Crl.A.SR.No.53026 of 2023***

22.12.2023