



Crl.M.P.No.5493 of 2023

Crl.M.P.No.5493 of 2023
in
Crl.A.SR.No.62635 of 2022
(Filing Number)

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

[Order of this Court was made by M.SUNDAR,J.,]

This order will now dispose of the captioned 'Criminal Miscellaneous Petition' [hereinafter 'Crl.MP' for the sake of brevity] i.e., Crl.M.P.No.5493 of 2023.

2. Captioned Crl.MP has been filed with 'condonation of delay' ['COD'] prayer qua 162 days delay in filing a State appeal against a judgment of acquittal dated 15.07.2022 in S.C.No.237 of 2014 on the file of learned Sessions Judge, Mahila Neethimandram, Allikulam, Chennai.

3. This Court issued notice to both respondents vide earlier proceedings dated 24.04.2023 and today, Mr.A.J.Magendiraverman, learned counsel is before us on behalf of both respondents.



Crl.M.P.No.5493 of 2023

4. Mr.E.Raj Thilak, learned Prosecutor drew our attention to paragraph

No.2 of support affidavit which reads as follows:

'2. I submit that in this case the judgment was passed by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai in Sessions Case No.237 of 2014 dated 15.07.2022. The certified copy of the judgment was applied on 13.02.2023 and the same obtained on 23.03.2023. I further submit that after obtaining the certified copy of the judgment, an opinion was sought for from the Special Public Prosecutor, Mahila Court, Allikulam and she offered her opinion for fit appeal on after obtaining the opinion for filing appeal in this case, the Commissioner of Police, Greater Chennai Police, Chennai, sent the same vide letter Rc.No.Crime IV(2)/1058/70629/2022 dated 27.10.2022 to the Director General of Police / Head of Police Force, Chennai sent a proposal to the Additional Chief Secretary to Government, Home (Cts-VII) Department, Secretariat, Chennai vide his letter Rc.No.34221141/1368/Crime 1(1)/2022 dated 14.11.2022. Subsequently, the Government sent the proposal to the office of the Public Prosecutor, High Court, Madras on 22.11.2022 vide Govt.Lr.No.e-3541877/Cts-VII/2022-1 dated 21.11.2022 and the same was received by the Public Prosecutor's office, High Court, Madras on 24.11.2022. After perusing the entire records, the Public Prosecutor, High Court of Madras opined that this is a fit case for filing an appeal against acquittal and accordingly sent a Legal Opinion to the Home [Cts.VII] Dept., Secretary, Chennai vide Opinion No.169 of 2022 dated 02.12.2022.'



CrI.M.P.No.5493 of 2023

5. Adverting to aforementioned paragraph No.2, learned Prosecutor submitted that reason for delay is, as articulated in the aforementioned paragraph No.2.

6. Mr.A.J.Magendiraverman, learned counsel for respondents submitted that the delay is in the nature of time consumed in administrative process and therefore, the same by itself cannot become a ground qua COD prayer.

7. We carefully considered the matter on merits. We find that the prayer is innocuous and the reason for delay though avoidable is acceptable.

8. In the light of the narrative thus far, in the captioned CrI.MP, COD prayer is acceded to i.e., delay is condoned and captioned CrI.MP is ordered as prayed for.

[M.S.,J.] [R.S.V.,J.]
16.08.2023

mk



WEB COPY



Crl.M.P.No.5493 of 2023

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

mk

Crl.M.P.No.5493 of 2023
in
Crl.A.SR.No.62635 of 2022

16.08.2023