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*Crl.M.P.No.488 of 2023
in Crl.A.SR.No.63300 of 2022*

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M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

(Order of the Court was made by M.SUNDAR, J.,)

Captioned Criminal Miscellaneous Petition has been filed on 21.12.2022 *inter alia* under Section 5 of the Limitation Act, 1963 seeking 'condonation of delay' ['COD'] of 205 days in filing the aforementioned / captioned criminal appeal against a judgment and sentence in S.C.No.185 of 2016 dated 27.11.2020 on the file of the III Additional District and Sessions Court, Tiruppur at Dharapuram.

2. Mr.V.Illanchezian, learned counsel representing the counsel on record for the petitioners / appellants draws the attention of this Court to support affidavit, more particularly paragraph No.11 which reads as follows:

*'11. I further submit that on 27.11.2020 the trial Court
had passed the judgment and convicted the petitioner for life*



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imprisonment and remanded to the Central prison, Coimbatore as a convicted accused. The petitioners are not having any close relative except the family members. The family members are not having any gain full work and they are not able to face the day to day expenses through their daily cooli work, hence the family members are not able to arrange for the funds to move a counsel at High Court through their counsel at Lower Court. In the intervening period, the pandemic started in the month of March 2020 and therefore the family member was still worst on their earning and unable to meet out their day to day expenses and medical expense.'

3. Having perused the support affidavit and taking into consideration the facts and circumstances of the case on hand, we are convinced that COD prayer is to be acceded to.

4. Captioned Criminal Miscellaneous Petition ordered as prayed for. In other words, delay condoned. There shall be no order as to costs.

[M.S.J.,]

[M.N.K.J.,]

19.01.2023

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