



CRL MP(MD) No.13289 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Twelfth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.13289 of 2023
in
CRL A(MD)SR.No.28231 of 2021

THE DEPUTY SUPERINTENDENT OF POLICE,
TOWN SUB DIVISION,
NAGERCOIL,
ASARIPALLAM POLICE STATION,
KANNIYAKUMARI DISTRICT.
(CRIME NO.215 OF 2009)
STATE REP.BY THE PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
... PETITIONER/ APPELLANT/ COMPLAINANT

Vs

1 SATHISH

2 NEELA @ NEELAVATHY

3 AYYAPPAN

4 KUMARI @ SIVAKUMARI ... RESPONDENTS/RESPONDENTS/
ACCUSED(A1 TO A4)

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to condone the delay of 262 days in filing the representation affidavit as regards the Cr.A.S.R.NO.28231 of 2021 on the file of this Honble Court.



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PRAYER in CRL A(MD)SR.No.28231 of 2021:

To call for records and set aside the Acquittal rendered in Judgment dated 20.06.2019 made in Sessions Case No.30 of 2011 on the file of the learned Fast Mahila Court, Kanniyakumari at Nagercoil by allowing this Criminal Appeal.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MANIKANDAN, ADDITIONAL PUBLIC PROSECUTOR for the petitioner and of Mr.B.S.MELTIUE, Advocate on behalf of the Respondents, the Court made the following order:-

This Petition is filed to condone the delay of 262 days in representing the Criminal Appeal before this Court.

2. Mr.S.Manikandan, learned Government Advocate (Crl.side) appearing for the petitioner submitted that this appeal has been filed as against the judgment of the acquittal passed by the Court of Sessions Fast Track Mahila Court, Kanyakumari District at Nagercoil, in S.C.No.30 of 2011 dated 20.06.2019. Challenging the said judgment, this appeal has been filed before this Court on 04.10.2021. The appeal papers have been returned for some defects and the petitioner was engaged in some other official duty. Therefore, the delay has been occurred in filing the appeal is neither wilful nor wanton .

3.The learned counsel for the respondents have raised strong objection stating that delay is inordinate.

4. Being satisfied with the reasons stated in the affidavit filed in support of this



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petition, the delay of 262 days in filing the Criminal Appeal is condoned on payment of costs of Rs.1,000/- (Rupees one Thousand only), by the petitioner to the respondents within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall stand dismissed automatically without further reference to this Court. Accordingly, this Criminal Miscellaneous Petition is allowed.

5. On such compliance, Registry is directed to number the Criminal Appeal, if it is otherwise in order and list the same for admission.

sd/-
12/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO

- 1 THE FAST TRACK MAHILA JUDGE,
KANNIYAKUMARI .
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
TOWN SUB DIVISION,
NAGERCOIL,
ASARIPALLAM POLICE STATION,
KANNIYAKUMARI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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COPY TO:

**THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.**

ORDER

IN

CRL MP(MD) No.13289 of 2023

in

CRL A(MD)SR.No.28231 of 2021

Date :12/10/2023

SS/DD/18/10/2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023