



Crl.M.P.No. 13359 of 2024
and Crl.R.C.Sr.No. 49094 of 2024

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M.NIRMAL KUMAR, J.

The petitioner / accused in 138 case was convicted by the Trial Court in STC.No.13 of 2018. Aggrieved against the same, the petitioner had preferred an appeal in C.A.No.38 of 2023. The Sessions Judge by judgment dated 29.04.2022 dismissed the appeal confirming the conviction of the Trial Court.

2. In fact, the petitioner's jail sentence was set aside by the Sessions Judge and he had passed a conditional order stating that petitioner had deposited Rs.3,77,200/- out of the compensation amount of Rs.14,00,000/-. The Sessions Judge further directed the petitioner to pay the remaining amount of Rs.10,22,800/- within a period of four months. The petitioner thereafter, failed to deposit the amount as per the directions of the Sessions Judge hence, he was secured. Now he is confined in Central Prison, Coimbatore and preferred this appeal with a delay of 20 days.

3. The learned counsel for the respondents strongly opposes for condoning the delay for the reason that the petitioner had failed to complied

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with the conditions as per the undertaking given by him before the lower Appellate Court to settle the issue. The petitioner was given four months time to pay the payment but, he has evaded making payment. Thereafter, the respondent had taken steps for conviction warrant. He was secured and confined in prison. After securing the petitioner, this urgency has been noted and today, the case has been listed. Hence, the petitioner may be permitted to deposit the amount of Rs.10,22,800/- .

4. The learned counsel for the petitioner that the petitioner is now confined in person so that he could not make substantial payment. He further submitted that he will make the payment at the time of admission and report the same. In view of the same, the delay is condoned.

5. Registry is directed to number the appeal and post it 'for admission' on 23.10.2024.

22.10.2024

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