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Crl.M.P.No.12902 of 2024 in Crl.A.SR.No.20693 of 2023

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M.NIRMAL KUMAR, J.

This Criminal Miscellaneous Petition has been filed to condone the delay of 50 days in filing criminal appeal against the judgment of acquittal, dated 18.11.2022 in Crl.A.No.16 of 2020 passed by the learned Principal Sessions Judge, In the Court of Sessions at Chennai setting aside the judgment of conviction, dated 18.12.2019 in E.O.C.C.No.243 of 2012 passed by the learned Additional Chief Metropolitan Magistrate (E.O.I), Egmore, Chennai.

2.The learned Special Public Prosecutor appearing for the petitioner/The Assistant Commissioner of Customs, Prosecution Unit (Sea), Custom House, Chennai submitted that while filing the appeal on the insistence of Customs Office, a petition for condone delay filed. Registry of this Court not considered the petitioner as Public servant and insisted the appeal ought to have been filed within ninety days.



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3.In view of Section 419 of Bharatiya Nagarik Suraksha Sanita, the period of limitation for Public servant is six months. Hence, there is no delay. Finding that the contention of the Special Public Prosecutor is reasonable and acceptable, this Court finds there is no delay.

4.Registry is directed to number the appeal if it is otherwise in order and post the matter for Admission.

18.09.2024

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