



WEB COPY



Crl.M.P.No.19858 of 2023

Crl.M.P.No.19858 of 2023
in Crl.A.Sr.No.53841 of 2023

M.S.RAMESH, J.
AND
SUNDER MOHAN, J.

[Order of the Court was made by ***M.S.RAMESH, J.***]

In the counter affidavit of the respondent, it was stated that the petitioner herein has involved in 44 previous cases, and the appeals of the co-accused that were dismissed before this Court have been challenged before the Hon'ble Supreme Court, and therefore, the learned Additional Public Prosecutor sought for rejection of the present petition.

2. On consideration of the reasons assigned in the affidavit filed in support of this petition and also by taking note of the fact that since the petitioner has not challenged the judgement in S.C.No.2 of 2000, which has been cited as an impediment for consideration of his request for premature release, we are inclined to condone the delay. This apart, the right to appeal is also a fundamental right, therefore, since we are of the view that the reasons assigned by the petitioner for preferring the appeal belatedly, seems to be satisfactory. Hence, we are inclined to allow this petition.



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Anu

3. Accordingly, this petition is ordered.

[M.S.R., J] [S.M., J]
20.02.2024

Anu

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