



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 4328 of 2026

in

CRL A SR NO. 13084 OF 2026

The State of Tamil Nadu Rep. by
The Inspector of Police,
J4, Kotturpuram Police Station,
Chennai.
Crime No.988 of 2020

..Petitioner(s)

Vs

1. Madhan
S/o.Appu,
No.15/24, Ponniyamman Koil Street,
Rangarajapuram, Saidapet,
Chennai - 15.
2. Raj Alias Arputharaj
S/o.Appu,
No.15/24, Ponniyamman Koil Street,
Rangarajapuram, Saidapet,
Chennai - 15.
3. Appu
S/o.Sankaran,
No.15/24, Ponniyamman Koil Street,
Rangarajapuram, Saidapet,
Chennai - 15.



4. Kadher Alias Abdul Kadher
S/o.M.S.Rauther,
No.28, S Block (TNSCB),
Venkatapuram,
Chinnamalai, Chennai - 15.

5. Ajith Alias Ajithkumar
S/o.Ganesan,
No.26, 1st Block (TNSCB),
Venkatapuram,
Chinnamalai, Chennai - 15.

6. Ashwin Alias Ashwinkumar
S/o.Marimuthu,
No.19, S-Block, (TNSCB),
Venkatapuram,
Chinnamalai, Chennai - 15.

7. Mani Alias Manimuthu
S/o.Rajaganapathy,
No.1, J Block, (TNSCB),
Venkatapuram,
Chinnamalai, Chennai - 15.

..Respondent(s)

To condone the delay of 125 days in filing the Appeal against the acquittal judgment passed in Sessions Case No.115 of 2021, Dated 25.07.2025 on the file of the XVth Additional District and Sessions Court, Chennai and thus render justice.

For Petitioner(s): Mr. C.R. Malarvannan, Counsel For
Government Of Tamil Nadu (criminal
Side)

For Respondent(s): Mr. A. Damodaran Forr1 To R3
Mr. K. Kannan For R4 To R7



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Order

(Order of the Court was made by Dr.Anita Sumanth J.)

This is a petition seeking condonation of delay of 125 days in filing the Criminal Appeal against acquittal. The certified copy of the judgment was obtained by the State on 14.08.2025 and the limitation of 90 days expired on 13.11.2025.

2. On a perusal of the affidavit filed in support of the petition for condonation, we find that an opinion was obtained from the Additional Public Prosecutor (APP) in regard to the fitness of the matter for filing of appeal and he has offered an opinion that the same was fit for appeal. Not content with that, a proposal has been sent to the Director General of Police/Head of Police Force, Chennai seeking yet another reiteration of the opinion. This was on 13.11.2025, which was the date on which the limitation expired.

3. Subsequent to this, the State has again sought an opinion from the Public Prosecutor seeking fitness for filing of the appeal and the opinion has been received from the Public Prosecutor on 30.01.2026. The aforesaid two events are post the expiry of limitation.



**DR.ANITA SUMANTH J.
AND
SUNDER MOHAN J.**

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4. Learned counsel for the Government of Tamil Nadu/petitioner is unable to justify the procedure followed in the present case, as once an opinion has been sought and received from the APP to the effect that the matter is fit for filing of appeal, there was no reason to have either tarried or to have sought further reinforcement of the same.

5. However, since according to the learned counsel for the petitioner, there is sufficient merit in the appeal itself, we condone the delay of 125 days in filing the Criminal Appeal subject to the petitioner remitting, as costs, a sum of Rs.50,000/- (Rupees fifty thousand only) to the High Court Legal Services Committee.

6. Subject to compliance of the aforesaid condition, Registry is directed to number the grant leave petition.

**(A.S.M.,J.) (S.M.,J.)
02-06-2026**

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Public Prosecutor, High Court, Madras

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