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CRL MP No. 1028 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 1028 of 2026

AND

CRL A SR NO. 103000 OF 2025

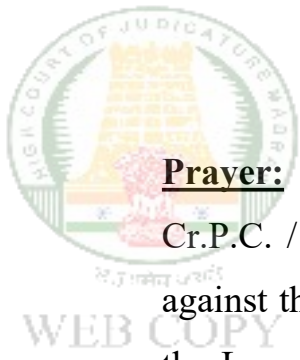
State of Tamil Nadu Represented by,
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
Crime No. 94/2022.

..Petitioner(s)

Vs

1. Balamurugan
S/o.Anbalagan,
Thopputheru,
Manali,
Thiruthuraipoondi,
Thiruvarur.
2. Renuka Devi
W/o.Anbalagan,
Thopputheru,
Manali,
Thiruthuraipoondi,
Thiruvarur.
3. Rajakumaran @ Rajkumar
S/o.Anbalagan,
Thopputheru,
Manali,
Thiruthuraipoondi,
Thiruvarur.

..Respondent(s)



Prayer: Criminal Miscellaneous Petition filed under Section 378(1) of Cr.P.C. / 419 of BNSS to condone the delay of 244 days in filing the appeal against the judgment passed in S.C.No.83 of 2022 dt. 02.01.2025 on the file of the Learned Principal District and Sessions Judge, Thiruvarur and thus render justice.

For Petitioner(s): Mr. S.Raja Kumar
Additional Public Prosecutor

For Respondent(s): Mr. K.M.S.Muthukumaran for
Mr.K.M.Subramanian (for R1 to R3)

ORDER

(Order of the Court was made by Sunder Mohan J.)

This Miscellaneous Petition is filed seeking condonation of delay of 244 days in filing the Criminal Appeal against acquittal of the respondents in S.C.No.83 of 2022 dated 02.01.2025 on the file of the learned Principal District and Sessions Judge, Thiruvarur.

2. The respondents were tried by the learned Principal District and Sessions Judge, Thiruvarur, for offences under Sections 302 and 506(ii) read with Section 34 of the Indian Penal Code and were acquitted by judgment dated 02.01.2025.

3. The State has not filed the appeal in time, and the reasons stated by the Inspector of Police in his Affidavit are that there were administrative delays caused for getting requisite approvals from the authorities concerned, and



therefore the delay is neither willful nor wanton. The relevant portion of the affidavit reads as follows:

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'2. I submit that in this case the judgment was passed by the Learned Principal District and Sessions Judge, Thiruvavarur in S.C.No.83 of 2022 dated 02.01.2025. The certified copy of the judgment was applied on 04.01.2025 and same obtained on 22.01.2025. I further submit that after obtaining the certified copy of the judgment, an opinion was sought from the Public Prosecutor, Learned Principal District and Sessions Judge, Thiruvavarur and he offered his opinion for fit appeal on 20.11.2025. After obtaining the opinion for filing appeal in this case, the same was Superintendent of Police, Thiruvavarur dated 02.05.2025. Further, this case was sent to the Deputy Inspector General of Police, Thanjavur Vide C.No.B3/E-109/2025 dated 17.05.2025. Further, this case was sent to the Inspector General of Police, Central Zone, Tiruchy vide Lr.No. RC. B1/E-191/IGP/CZ/2025 dated 30.05.2025 and he sent a proposal to Director General of Police, Head of Police Force, TamilNadu, Chennai and he sent a proposal to the Additional Chief Secretary to Government, Home Department, Secretariat, Chennai Vide Lr.No. RC. 10661538/Crime 1(2)/2025 dated 17.06.2025. Subsequently, the Government sent the proposal to the office of the Public Prosecutor, High court, Madras vide Govt. Lr.No.e-10861813/Cts-VII/2025-2, dated 18.10.2025 and the same was received by the Public Prosecutor's office, High court, Madras on 27.10.2025. After perusing the entire records, the Public Prosecutor, High Court of Madras opined that this is a fit case for filling an appeal against acquittal and accordingly sent a Legal Opinion to the Additional Chief Secretary to Government, Home (Courts-VII) Department, Secretariat, Chennai vide Opinion No.430 of 2025, dated 20.11.2025.

4. I humbly submit that, after my joining as Inspector of Police, Thiruthuraipoondi Police Station, Thiruvavarur on 16.07.2025. I have immediately took up this task, collected all the relevant papers in connection with the filing of the said appeal and appeared before the Learned Public Prosecutor, at the Office of the Public Prosecutor situated at Madras High Court Buildings on 10.12.2025 with records and met the Learned Public Prosecutor, High Court, Madras, for preparation of Memorandum of Grounds,



Petition for Leave, Condonation of delay, Index to Typed Set, etc., and accordingly, an appeal against acquittal is being filed on the Hon'ble High Court, Madras.'

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4. Learned counsel for the respondents would submit that the delay has not been properly explained; that the Hon'ble Supreme Court has repeatedly held that administrative delay cannot be a reason to condone the delay; that the presumption of innocence of the accused has been confirmed by the judgment of acquittal; that since the respondents have already suffered an ordeal of long trial, the condonation of delay would cause irreparable loss and hardship; and hence, prayed for dismissal of the petition.

5. The reasons for the delay, as could be seen from the above extracted portion, are that the Inspector of Police had sought for opinion from the District Public Prosecutor; that thereafter the Superintendent of Prisons had addressed a communication to the Deputy Inspector General of Police, Thanjavur, who, in turn, addressed a letter to the Inspector General of Police, Central Zone, Trichy; that a proposal was sent to Director General of Police, Chennai, who ultimately forwarded a proposal to the State Public Prosecutor; and that the State Public Prosecutor had recommended filing of an appeal on 20.11.2025.

6. We are of the view that the reasons stated by the State for the delay are not justified. The Hon'ble Supreme Court and this Court have repeatedly held that administrative delay would not be a ground to condone such enormous delay. This principle would apply to a greater extent in a case where the appeal



has been filed against the judgment of acquittal. As rightly contended by the learned counsel for the respondents, the presumption of innocence of the accused has been confirmed by the trial Court. It is the case of the respondents that the judgment of acquittal is justified and there is no reason to entertain the appeal.

7. In fact, Section 378 of the Code of Criminal Procedure, which provides for an appeal against a judgment of acquittal, does not contemplate any such elaborate procedure that has been followed in this case.

8. We cannot examine the merits of the case at this stage, which we propose to do while considering the petition seeking leave to file the appeal. Even though the delay has not been properly explained and we express our disapproval to the lethargic attitude of the authorities concerned, there are multiple reasons which deter us from dismissing this petition. It is well settled that when substantial justice is pitted against technical considerations, the former should prevail. That apart, if the appeal has merits and there is a possibility of reversing the judgment of acquittal, the petitioner's default or lethargy should not affect the interest of the victim and the cause of justice.

9. However, the State is expected to act diligently in matters of this nature, as the right of the accused for speedy disposal of the case against him is valuable. Therefore, we are inclined to impose costs on the State. Accordingly, the delay of 244 days is condoned and this Miscellaneous Petition is ordered on



payment of costs of Rs.50,000/- (Rupees fifty thousand only) by the State to the Tamil Nadu Mediation and Conciliation Centre attached to this Court within a period of one (1) week from today.

10. Subject to the petitioner filing proof of payment of costs, the Registry is directed to number the petition seeking leave to file an appeal, if it is otherwise in order, and list the same for hearing.

(A.S.M.,J.) (S.M.,J.)

17-03-2026

sl/ars

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

The Public Prosecutor, High Court, Madras.



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DR.ANITA SUMANTH J.

AND

SUNDER MOHAN J.

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