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**Petitioner Vs. Respondent**

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**SooperKanoon Citation** : sooperkanoon.com/1186121

**Court** : Chennai

**Decided On :** Jan-06-2017

**Judge** : M. Venugopal

**Appeal No.** : Crl. M.P. No. 10231 of 2016 in Crl. A. Sr. No. 39429 of 2016

**Appellant** : Petitioner

**Respondent** : Respondent

**Judgement** :

1. Heard the Learned Counsel for the Petitioner/Appellant.

2. It comes to be known that the notice was served on the Respondent [vide letter dated 26.12.2016 of Learned Metropolitan Magistrate, Fast Track Court I, Allikulam, Chennai 3]. There is no representation on the side of the Respondent at the time of calling of the matter at 10.40 a.m. either in person or through Learned Counsel.

3. In view of the fact that the notice was served on the Respondent, this Court proceeds further in disposing of the present Criminal Miscellaneous Petition.

4. According to the Petitioner/Appellant/Complainant, he had applied for the copy application on 18.08.2016 before the trial Court in C.C.No.1455 of 2012 and received the order copy on 24.08.2016. The reason ascribed on behalf of the Petitioner/Appellant/Complainant for the delay of 8 days in preferring the instant

Appeal in Crl.A.Sr.No.39429 of 2016 is that the Petitioner could not file copy application because of 'Boycott of Courts Advocates' and as such, the delay that had occurred is neither wilful nor wanton but due to the aforesaid reason.

5. Considering the fact that the Petitioner/Appellant had assigned the reason of 'Advocate Boycott of Courts' and therefore, he could not file the copy application immediately to get the certified copy of the order passed in C.C.No.1455 of 2012 dated 28.06.2016, this Court, by taking a lenient and liberal view overriding either technicalities or hyper technicalities, condones the delay of 8 days.

6. Accordingly, the Crl.M.P.No.10231 of 2016 is allowed.

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