

Petitioner Vs. Respondent

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Court : Chennai

Decided On : Sep-08-2016

Judge : M. Venugopal

Appeal No. : Crl.M.P.No. 9549 of 2016 in Crl.A.SR.No. 38771 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

M. Venugopal, J.

1. Heard Mr.R.Ganesh Kumar, Learned counsel for the Petitioner and Mr.P.Govindarajan, Learned Additional Public Prosecutor for the Respondent.

2. According to the Petitioner/Appellant/Accused, he was convicted and sentenced to undergo 10 years Rigorous Imprisonment in respect of the offence under Section 6 of the Protection of Children from Sexual Offences Act and also, was directed to pay a fine of Rs.5000/-, in default of payment of the said fine amount, he was further directed to undergo 6 months Rigorous Imprisonment by the learned Sessions Judge, Magalir Neethimandram, Chennai in S.C.No.106 of 2015 dated 22.02.2016.

3. The Learned counsel for the Petitioner/Appellant/Accused submits that the Petitioner/Accused was detained in Central Prison, Puzhal and could not immediately mobilise funds to prefer the instant Criminal Appeal before this Court as against the judgment dated 22.02.2016 in S.C.No.106 of 2015 and hence, there had occasioned a delay of 136 days which is neither wilful nor wanton but due to the aforesaid reasons.

4. Per contra, it is the contention of the Learned Additional Public Prosecutor for the Respondent/Complainant that the reason mentioned by the Petitioner/Appellant/Accused to the effect that he could not mobilise funds to prefer the present Criminal Appeal before this Court is not a bona-fide and genuine one and therefore, condonation of delay Petition, namely, Crl.M.P.No.9549 of 2016 is to be dismissed by this Court in the interest of justice.

5. This Court has perused the materials available on record and also noticed the contentions of the learned counsel appearing on either side.

6. On a careful consideration of respective contentions and this Court taking note of the fact that the Petitioner had assigned reasons to the effect that since he was detained in Central Prison, Puzhal and could not immediately mobilise funds to prefer the present Criminal Appeal before this Court , at this stage, this Court simpliciter, by taking a lenient and liberal view overriding technicalities or hyper technicalities, condones the delay of 136 days to deliver substantial justice, subject to the condition that the Petitioner/Appellant/Accused shall pay a sum of Rs.1000/- (Rupees One Thousand Only) to the Tamil Nadu Mediation and Conciliation Centre (attached to this Court) within a period of two weeks from the date of receipt of a copy of this order, failing which, it is made clear that the Petition shall stand dismissed automatically without any further reference to this Court.

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