

Petitioner Vs. Respondent

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Court : Chennai

Decided On : Sep-07-2016

Judge : M. Venugopal

Appeal No. : Crl.M.P.No. 9492 of 2016 in Crl.A.SR.No. 28130 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

M. Venugopal, J.

1. Heard Mr.M.Sarfudeen Ali Ahamed, Learned counsel for the Petitioners and Mr.P.Govindarajan, Learned Additional Public Prosecutor for the Respondent.

2. It comes to be known that the Petitioners/Appellants/A1 and A2 have preferred the present Criminal Miscellaneous Petition praying for passing of an order by this Court to condone the delay of 44 days in filing the instant Criminal Appeal in SR.No.28130 of 2016 as against the judgment in S.C.No.135 of 2014 on the file of the Learned II Additional District and Sessions Judge, Tiruppur.

3. As a matter of fact, the Petitioners/Appellants/A1 and A2 were convicted by the trial Court and were directed to undergo life imprisonment and to pay a fine of Rs.1000/- each for the offence under Section 396 IPC and in default, to undergo 3

months Simple Imprisonment and further, convicted and sentenced them to undergo life imprisonment for the offence under Section 302 IPC and ordered to pay a fine of Rs.1000/- each and in default, to undergo 3 months Simple Imprisonment and also to undergo 3 months Simple Imprisonment for the offence under Section 447 IPC.

4. The grievance of the Petitioners is that the trial Court Advocate due to some problem had sent the judgment copy of the trial Court to the Appellants' counsel office after the period of limitation time in preferring an appeal. As such, there had occasioned a delay of 44 days in projecting the present Criminal Appeal before this Court, which is neither wilful nor wanton but due to the aforesaid reasons. Therefore, it is represented on behalf of the Petitioners/Appellants that the delay of 44 days in question may be condoned by this Court in the interest of justice.

5. As far as the present case is concerned, even though the reasons ascribed by the Petitioners at para 3 of Crl.M.P.No.9492 of 2016 in Crl.A.SR.No.28130 of 2016 to the effect that due to some problem, the trial Court Advocate has sent the judgment copy of the trial Court to the Appellants' counsel office after period of limitation, and etc., the same is not convincing, yet this Court to deliver substantial justice to the parties, overriding technicalities or hyper technicalities, allows the Petition for condonation of delay of 44 days in filing the Criminal Appeal, subject to the condition that the Petitioners/Appellants should pay a costs of Rs.500/- to the Tamil Nadu Mediation and Conciliation Centre (attached to this Court) within a period of one week from the date of receipt of a copy of this order, failing which, the Petition shall stand dismissed automatically without any further reference of this Court.