

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CrI.M.P. No. 1940 of 2016 in CrI.A. No. 667 of 2016

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CrI.A.No. 667 of 2016

DATE: 30.11.2016

Between:

The State of A.P. rep.
by the Public Prosecutor

.. Appellant/
Complainant

And

Nanigiri Satish Kumar
and eight others

.. Respondents



JUDGMENT:-

This Petition is filed to condone the delay of 369 days in presenting the appeal against the judgment dated 30.08.2014 delivered in C.C.No. 758 of 2006 by II Metropolitan Magistrate for Railways, Visakhapatnam, wherein the respondents - accused were acquitted of the charge under Section 3(a) of R.P. (U.P) Act, 1966.

Heard the learned Additional Public Prosecutor appearing for the petitioner-appellant and perused the impugned judgment as well as the other material on record.

The facts that are necessary for disposal of this case are that the respondents herein were tried and acquitted by the trial Court of the charge under Section 3(a) of R.P. (U.P) Act, 1966. The grievance of the State is that the judgment of acquittal of the respondents recorded by the trial Court is contrary to law, weight of evidence and probabilities of the case, and therefore, seeks to set aside the judgment of acquittal and punish the respondents in accordance with law, with the instant petition to condone the delay in filing the appeal.

In spite of the fact that several times the office of the learned Additional Public Prosecutor has been granted adjournments, enabling it to furnish correct address particulars of the respondents-accused, it failed to do so. In

view of the fact that the judgment was pronounced on 30.08.2014 by the trial Court acquitting the respondents for the offences with which they were charged, I don't think any fruitful purpose would be served in directing the office of the learned Additional Public Prosecutor to furnish correct address particulars of the respondents again.

Further, the judgment was pronounced as early as on 30.08.2014 and the present application to condone the delay in filing the appeal is taken up for hearing today i.e. 30.11.2016, that is two years and three months after the judgment of acquittal was delivered by the trial Court. Moreover, the administrative reasons assigned in the application for abnormal delay caused in filing the appeal, are not tenable and also prompted this Court to take a different view than the normal view taken by the Courts. Hence, I see no merits in condoning the delay.

Accordingly, the Criminal Miscellaneous Petition is dismissed, and consequently, the Criminal Appeal is rejected.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

30.11.2016

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