

**IN THE COURT OF THE SESSIONS JUDGE, ALAPPUZHA**  
**Present: Sri. K.K.Balakrishnan, Sessions Judge**  
**Wednesday the 7<sup>th</sup> day of January, 2026**  
**Crl. M.P. No.2/2026 in Crl.A.No.6/2026**

Between:-

Subhash, Aged 48 years, S/o Vijayappan, residing at  
East SR Bhavan, Cheruthana North Muri, Cheruthana  
Village, Alappuzha District, Pin 690517 } Petitioner/Appellant

AND

State of Kerala represented by the Sub Inspector  
of Police, Veeyapuram Police Station through the  
Public Prosecutor, Alappuzha } Respondent

This petition is filed by the accused in S.C.No.76/2020 on the file of the Court of Asst. Sessions Judge, Alappuzha, to condone the delay of 11 days in preferring the appeal against the judgment of the trial court dated 25.11.2025.

Petition was presented on : 06.01.2026

This petition coming on 07.01.2026 for hearing before me in the presence of Adv.Sandra Nelson, Counsel for petitioner; Public Prosecutor for the Respondent (State); the Court passed the following:-

**ORDER**

This petition is filed by the accused in S.C.No.76/2020 on the file of the Court of Asst. Sessions Judge, Alappuzha, to condone the delay of 11 days in preferring the appeal against the judgment of the trial court dated 25.11.2025.

2. The trial court convicted and sentenced the accused vide above stated judgment and sentenced to undergo rigorous imprisonment for a period of seven years and to pay fine of ₹50,000/-, in default to undergo rigorous imprisonment for six months, for offence u/s.308 of IPC. He shall also undergo rigorous imprisonment for a period of one year and to pay fine of ₹10,000/-, in default to undergo rigorous imprisonment for one month, for the offence u/s.506 (ii) of IPC. The fine amount, if realised, shall be given to PW1 as compensation under Section 357 (1) (b) of CrPC. The substantive sentences shall run

concurrently. In the affidavit, the petitioner submitted that she was laid up due to viral fever and unable to file this appeal in thirty days. So, there occurred a delay of 11 days in filing of it. There is no willful laches or negligence on her part. So prayed to condone the delay of 11 days occurred in preferring the appeal.

3. Heard both sides.

4. The learned counsel for the petitioner submitted that the delay of 11 days in preferring the appeal was not intentional and prayed to condone the delay.

5. The delay in filing of the appeal is only 11 days. As per the averments in the affidavit, she was affected with fever and could not file the appeal on time. There is no reason to disbelieve the averments in the affidavit of her. Considering the facts and circumstances of the case, I am of the opinion that by condoning the delay in filing the appeal no prejudice will be caused. The reason stated in the petition for the delay of 11 days in filing the appeal is sufficient cause to condone the delay. Therefore, the delay of 11 days in preferring the appeal is condoned.

In the result, this petition is allowed.

*(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court on this the 7<sup>th</sup> day of January, 2026).*

Sd/-  
SESSIONS JUDGE  
ALAPPUZHA