

**IN THE COURT OF SESSION, ERNAKULAM DIVISION**

Present:-

Smt. Honey M. Varghese, Sessions Judge

Wednesday, the 14<sup>th</sup> day of January 2026/24<sup>th</sup> Pousha 1947

**Crl. M.P. No.5927 of 2025 in Crl.Appeal No. 694 of 2025**

**Petitioner/Appellant/Respondent:-**

Anoop Kumar P., aged 34 years, S/o Purushothaman, Palathinkal House, Chinnar P.O., 4<sup>th</sup> Mile, Elappara, Idukki, Pin – 685501.

By Advs.K.M. Firoz and Shajna.M.

**Respondents/Respondents/Petitioners & State:-**

1. Anu P. Sasi, aged 29/2023, D/o P.K. Sasi, Puthanpurayil, Kalthotty P.O., Meppara, Kattappana – 685507, presently residing at Kovilakom Apartment, FIB Flat, Statue Junction, Tripunithura, Pin – 682301.
2. Aswatha Anoop, aged 10/2023, D/o Anoop Kumar P., Puthanpurayil, Kalthotty P.O., Meppara, Kattappana – 685507, presently residing at Kovilakom Apartment, FIB Flat, Statue Junction, Tripunithura, Pin – 682301 (Minor – represented by 1<sup>st</sup> petitioner)
3. Anandhitha Anoop, aged 6/2023, D/o Anoop Kumar P., Puthanpurayil, Kalthotty P.O., Meppara, Kattappana – 685507, presently residing at Kovilakom Apartment, FIB Flat, Statue Junction, Tripunithura, Pin – 682301 (Minor – represented by 1<sup>st</sup> petitioner)
4. State of Kerala represented by Public Prosecutor, Sessions Court, Ernakulam, Pin – 682011.

R4 – By Public Prosecutor Sri.Manoj G.Krishnan.

This petition is filed under Section 5 of the Limitation Act, praying this court to condone the delay of 65 days in filing the above appeal.

This petition coming on for hearing on 14.01.2026 and the court on the same day, passed the following:-

**ORDER**

This is a petition filed u/s. 5 of the Limitation Act to condone the delay of 65 days in filing the appeal .

2. The petitioner contended that the above Crl. Appeal is filed against the order dated 20/08/2025 in CMP 808/23 in MC No. 28/23 on the file of JFCM, Thrrippunithura. The application for receiving the certified copy of the order was submitted on 21/08/25 . However, the clerk whom he had entrusted the matter fell ill and he was not attending the work for some time. Hence, the original copy application was lapsed. Only when the appellant contacted for the purpose of filing the appeal, the same was noticed. Immediately, another

application was submitted on 22/11/2025 and the certified copy was received on 26/11/2025. Hence, the delay occurred.

3. Respondent appeared through Adv.Sadhanakumari and submitted formal objection.

4. Heard both sides and perused the records.

5. It can be seen from the affidavit of the petitioner that the clerk whom he had entrusted the matter fell ill and he was not attending the work for some time. Hence, the original copy application was lapsed. Another application was submitted on 22/11/2025. Considering the object behind the Limitation Act that the matter is to be considered on merits than technically, the reason stated by the petitioner is accepted. It is equally well settled that as far as possible the matters should be disposed of on merits. Taking note of the above aspects, I am of the view that the delay of 65 days in filing the above appeal is liable to be condoned in the interest of justice.

In the result, the petition is allowed. The delay of 65 days in filing the above appeal is hereby condoned.

Dictated to the confidential Asst. transcribed and typed by her, corrected and pronounced by me in open court on this the 14<sup>th</sup> day of January, 2026.

Sd/-

**Honey M.Varghese**  
**Sessions Judge**

sk/  
comp. By:

**Crl. M.P. No.5927 of 2025 in**  
**Crl.Appeal No.694 of 2025**  
**Order dated:14.01.2026**