

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CHENNAI

**Present: Thiru.S.Karthikeyan, M.A., M.L., M.Sc., PGDCFSc., PGDDF,
Principal Sessions Judge.**

Monday, the 15th day of June, 2026.

Crl.M.P.No.1660/2026

in

C.A.SR.No.2080/2026

against

C.C.No.1189/2023

(on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai)

Syedda Zarina

W/o. Late. H.H.Shakir

...Petitioner / Appellant /
Defacto Complainant

Vs.

1. State rep. by,
The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai - 600 024.
(Crime No.11/2023)

....1st Respondent / 1st Respondent /
Complainant

2. Kaleel,
S/o. Kani

...2nd Respondent/2nd Respondent/
Accused.

This petition is coming on 08.06.2026 before this court for hearing in the presence of M/s. K. Prasanthan, S. Ajay Sriram, M. Giri Prakash, the counsel for the petitioner and of the CPP for the 1st respondent and the 2nd respondent having been called absent and upon hearing both sides and upon perusal of case-records and having stood over till this day, this Court delivered the following:

ORDER

1. Petition to condone the delay of 84 days in filing the criminal appeal.

2. The learned counsel for the petitioner submitted that the petitioner is the Petitioner/Appellant and the defacto complainant/victim in C.C.No. 1189 of 2023 in Crime No. 11 of 2023. On 21st January 2023, at about 9.15 a.m., the petitioner was at her residence at No. 12, Station View Road, Kodambakkam, when the 2nd respondent

came with approximately 10 men/labourers and forcibly entered her portion of the building. The 2nd respondent and his men demolished a wall which she had constructed to prevent illegal access to the first floor, damaged and broke CCTV camera, pushed her to the ground when she protested, and threatened her with dire consequences by displaying a weapon. The petitioner had lodged a written complaint on the same day, based on which Crime No. 11 of 2023 was registered for offences under Sections 448, 427, 506(ii) of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998. After investigation and trial in C.C. No. 1189 of 2023, the 2nd respondent was acquitted by the learned XVII Metropolitan Magistrate, Saidapet, Chennai vide judgment dated 17th October 2025. The petitioner had obtained the certified copy of the said judgment on 30th October 2025. She has filed the accompanying Criminal Appeal under the proviso to Section 413 of the BNSS, 2023 challenging the judgment of acquittal dated 17.10.2025 passed in C.C. No.1189 of 2023. The ordinary period of limitation of 90 days, calculated from the date of receipt of the certified copy, which expired on 28.01.2026. The present appeal is being filed on 11.02.2026, resulting in a delay of 84 days, for which this affidavit is filed seeking condonation. The delay has occurred due to bonafide and unavoidable circumstances. The petitioner is an elderly woman aged about 83 years, suffering from age-related ailments and general physical weakness. Due to her advanced age, her mobility is considerably restricted and depend upon others for attending to personal and legal matters. Immediately after pronouncement of the judgment, she had instructed her lower court advocate to apply for certified copies of the judgment and connected records, including depositions and documents, which were necessary for preferring the appeal. The preparation and delivery of the certified copies by the trial court took considerable time, and the delay in obtaining the same was beyond her control. After receipt of the certified copy on 30.10.2025, she was in a position to consult counsel regarding the filing of the appeal. Owing to her advanced age, health condition and dependence on assistance, she was unable to take immediate steps to finalize and file the appeal within the limitation period. Hence prays to condone the delay of 84 days in filing the appeal.

3. The 1st respondent has filed a counter stating that he has no serious objection to the petition.

4. The 2nd respondent has not appeared before this court to refute the contention of the petitioner.

5. On perusal of records, it is found that the petitioner herein is the defacto complainant in this case. The 2nd respondent herein is the accused and he was acquitted from the Charge punishable under section 448, 427 and 506(ii) IPC and u/s.4 of Tamil Nadu Prohibition of Harassment of Women Act 1998, by the learned XVII Metropolitan Magistrate, Saidapet, Chennai vide Judgement passed in C.C.No.1189/2023 dated 17.10.2025. Aggrieved by the said judgment, the petitioner has preferred this present appeal. The said appeal has been preferred with a delay of 84 days. According to the petitioner, the petitioner is an elderly woman suffering from age-related ailments, she was unable to take immediate steps to file the appeal within the limitation period and also delay in obtaining certified copy of the judgment. On the other hand the 2nd respondent has not appeared before this court and failed to refute the contention of the petitioner. The 1st respondent has no objection. Considering the fact that the petitioner is the defacto complainant in this case and the trial court has acquitted the accused, against which the petitioner being the defacto complainant has filed the appeal against acquittal and also considering the reasons stated by the petitioner and number of days delay, this court is inclined to condone the delay in filing the appeal.

6. In the result, this petition is allowed.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court, this the 15th day of June, 2026.

PRINCIPAL SESSIONS JUDGE.