

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2021
(Arising out of SLP (Crl.) No. _____ of 2021)
[Diary No. 10432 of 2018]

SMT. CHAVA VENKATA SUJATHA

Appellant(s)

VERSUS

CHAVA THIRUPATHI RAO & ORS.

Respondent(s)

O R D E R

Delay condoned.

Leave granted.

This appeal takes exception to the judgment and order dated 04.08.2017 passed by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in Criminal Revision Case: Crl.R.C. No. 943 of 2017. The High Court dismissed the revision application filed by the appellant questioning the order passed by the First Appellate Court rejecting the application for condonation of delay of only 37 days.

The grievance of the respondents is that the appellant offered different explanation before the First Appellate Court and the High Court. That, however, does not take the matter any further. The

question is whether the delay of 37 days in filing of the appeal against the acquittal of accused Nos. 2 to 5 can be said to be uncondonable?

In our opinion, as it is not in dispute that the appeal against conviction of accused No. 1 against the selfsame decision is pending before the First Appellate Court, it would be in the interest of justice that the delay of 37 days in filing the appeal before the First Appellate Court against acquittal of accused Nos. 2 to 5 is condoned.

Accordingly, this appeal succeeds and the impugned judgment and order passed by the High Court is set aside. The delay in filing of the appeal before the First Appellate Court stands condoned.

The appeal filed by the appellant against the acquittal of accused Nos. 2 to 5 is revived, to be heard along with appeal against the conviction of accused No.1 before the same Court.

The First Appellate Court is directed to expeditiously dispose of both the appeals.

The appeal is disposed of in the above terms.

Pending applications, if any, stand disposed of.

....., J.
(A.M. KHANWILKAR)

....., J.
(C.T. RAVIKUMAR)

NEW DELHI
NOVEMBER 15, 2021.

ITEM NO.33 Court 3 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 10432/2018

(Arising out of impugned final judgment and order dated 04-08-2017 in CRRC No. 943/2017 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

SMT. CHAVA VENKATA SUJATHA Petitioner(s)

VERSUS

CHAVA THIRUPATHI RAO & ORS. Respondent(s)

IA No. 709/2019 - CONDONATION OF DELAY IN FILING
IA No. 711/2019 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS
IA No. 710/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 15-11-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s)

Mr. GVR Choudary, Adv
Mr. Anumolu Chandershekhar, Adv
Ms U Toshitha, Adv
Mr. K. Shivraj Choudhuri, AOR

For Respondent(s)

Mr. Mahfooz A. Nazki, AOR
Mr. Polanki Gowtham, Adv
Mr. Shaik Mohamad Haneef, Adv
Mr. T. Vijaya Bhaskar Reddy, Adv
Mr. K.V Girish Chowdary, Adv

Mr. Somanatha Padhan, AOR
Mr. Guntur Prabhakar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)

COURT MASTER (SH)

(VIDYA NEGI)

COURT MASTER (NSH)

[Signed order is placed on the file]