



Crl.M.P(MD)No.12209 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.M.P(MD)No.12209 of 2025

in

CRL.A(MD).SR No.45195 of 2025

Girija

: Petitioner

Vs.

State rep.by the Inspector of Police,
All Women Police Station, Tenkasi,
Tenkasi District.
Crime No.18 of 2018.

: Respondent

Prayer : This Criminal Miscellaneous Petition is filed under Section 5 of Limitation Act, to condone the delay of 883 days in preferring the Criminal Appeal as against the judgment of conviction made in Spl.C.C.No.7 of 2020 on the file of the Special Court for POCSO Act Cases, Tirunelveli, dated 28.02.2023.

For Petitioner : Mr.S.Ramesh Kumar,

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)



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ORDER

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This Criminal Miscellaneous Petition has been filed to condone the delay of 883 days in preferring the Criminal Appeal challenging the judgment of conviction made in Spl.C.C.No.7 of 2020 on the file of the Special Court for POCSO Act Cases, Tirunelveli, dated 28.02.2023, wherein the petitioner therein was found guilty for the offence under Section 17 r/w 4 of POCSO Act and sentenced her to undergo ten years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo one year rigorous imprisonment.

2. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Criminal Side) appearing for the respondent and also perused the records.

3.The learned counsel appearing for the petitioner would submit that the petitioner was arrested on 16.05.2018 and is in prison for the past more than 7 years and that since the offence was allegedly committed against their own daughter, no one was ready to help the petitioner in filing the appeal and that their efforts to file the appeal through legal aid were not fruitful.



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4. The respondent filed counter statement raising objections and according to him, the delay of 883 days in ordinate and hence, the same cannot be condoned.

5. But the facts remains that the petitioner is in prison for the past seven years. Considering the facts and circumstances of the case and taking note of the punishment imposed and the period of incarceration and also the submissions made by the learned counsel for the petitioner, this Court is inclined to condone the delay.

6. Accordingly, this Criminal Miscellaneous petition is allowed. Registry is directed to number the appeal, if it is otherwise in order and list the matter in the usual course.

25.09.2025

NCC : Yes : No
Index : Yes : No
Internet : Yes : No
das



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K.MURALI SHANKAR,J.

das

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