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CRL MP(MD)No.19565 of 2025

CRL MP(MD)No.19565 of 2025
in
CRL RC.(MD)SR.No.71102 of 2025

N.MALA, J.

This petition has been filed to condone the delay of 115 days in filing the above criminal revision against the order dated 23.04.2025 in CrI.MP.124/2025 on the file of Learned II Additional District Judge, [CBI Cases], Madurai, wherein further investigation was ordered by the aforesaid Court.

2.The petitioners, in the affidavit filed in support of the condone delay petition stated that due to lack of proper legal advise, they were not able to file the criminal revision in time and that the delay was neither wilful nor wanton. Therefore, the delay of 115 days in filing the above appeal may be condoned.

3.The learned counsel for the petitioner submitted that the order of the Trial Court has caused severe prejudice, irreparable loss and hardship to the petitioners. Hence, he prayed this Court to condone the delay of 115 days.



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4.Heard both sides and perused the materials on record.

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5.The Hon'ble Supreme Court, vide order dated 02.01.2025, in SLP. [Crl.].No.18045/2024, in the case of ***Mahesh Singh Banzara Vs. State of Madhya Pradesh***, following its earlier judgment, in the case of ***Dilip S.Dahanukar Vs. Kotak Mahindra Co. Ltd [2007 [6] SCC 528]***, held that the right to appeal, particularly, when it concerns the liberty of the individual, is a fundamental right under Article 21 of the Constitution of India and that the High Court, while dismissing the appeal solely on the ground of delay, was bound to examine the reasons for the delay. The Hon'ble Supreme Court, in the said case, condoned the delay of 1637 days in filing the appeal by accepting the similar reason of lack of monetary resources.

6.The petitioners herein, has stated that since they could not get the legal advice on time, they were not able to file the revision in time.

7..Being satisfied with the reasons stated in the affidavit and in the light of the aforesaid judgment of the Hon'ble Supreme Court, this Court is



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inclined to condone the delay of 115 days, giving an opportunity to the petitioners to contest the revision on merits.

8. Accordingly, the delay of 115 days in filing the criminal revision is condoned. The petition is ordered. Registry is directed to number the criminal revision, if it is otherwise in order and list the case for admission, on **06.01.2026.**

18.12.2025

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