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CRL MP(MD)Nos.19347, 19348 and 19349 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17/12/2025

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THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD)Nos.19347, 19348 and 19349 of 2025

in

CRL A(MD)SR.Nos.81225, 81227 and 81230 of 2025

Manivannan

... Petitioner

in Crl.MP(MD)No.19347/2025

Sakthivel

... Petitioner

in Crl.MP(MD)No.19348/2025

Manivannan

... Petitioner

in Crl.MP(MD)No.19349/2025

Vs

The State rep by
The Inspector of Police,
Veppur Police Station, Cuddalore,
Cuddalore District
(Crime No.206/2024) .

... Respondent
in all three petitions

PRAYER: These petitions are filed under Section 5 of the Limitation Act to condone the delay of 116 days in filing the above appeal against the judgment passed by the learned Additional District Judge (Special Court under Essential Commodities Act, Thanjavur), Thanjavur in C.C.NO.96 of 2024.



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In all the petitions:

For Petitioner : Mr.E.Somasundaram

For Respondent : Mr.K.Sanjai Gandhi

Government Advocate (Crl.Side)

COMMON ORDER

These petitions have been filed to condone the delay of 116 days in filing the above criminal appeal against the judgement dated 09.06.2025, in CC.No.96 of 2024, passed by the learned Additional District Judge (Special Court under Essential Commodities Act, Thanjavur), Thanjavur.

2. The petitioners were convicted and sentenced to undergo rigorous imprisonment for seven years and to pay a fine of Rs.25,000/- in default to undergo rigorous imprisonment for one year, for the offences under Section 8[c] read with 20[b][ii][B], of NDPS Act, 1985.

3.The petitioners in the affidavit filed in support of the condone delay petition stated that their family was very poor and that, there was no one to file the appeals on their behalf and they were not able to file the criminal appeals in time and that the delay was neither wilful nor wanton. Therefore, the delay of 116 days in filing the above appeals may be condoned.



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4.The learned counsel for the petitioners submitted that the conviction has caused severe prejudice, irreparable loss and hardship to the petitioners and that due to financial constraints, the petitioners could not file the appeals in time. Hence, he prayed this Court to condone the delay of 116 days.

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

6.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.



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7.The petitioners herein, have also stated that they did not have the requisite monetary consideration and so were not able to file the appeals in time.

8.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 inclined to condone the delay of 116 days, giving an opportunity to the petitioners to contest the statutory appeals on merits.

9.Accordingly, the delay of 116 days in filing the criminal appeals is condoned and the petitions are **ordered**.

10.Post on 06.01.2026.

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17.12.2025



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N.MALA,J

CM

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in
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