



CRL MP(MD)No.20111 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17/12/2025

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THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD)No.20111 of 2025

in

CRL A(MD) SR. No.83534 of 2025

M.Murugan

...Petitioner/Appellant/Sole Accused

Vs

The State of Tamil Nadu rep by
The Inspector of Police,
NIBCID Theni,
Theni District.

(In Crime No.65 of 2017)

... Respondent/Respondent/Complainant

PRAYER: These petitions are filed under Section 5 of the Limitation Act to condone the delay of 32 days in filing the above appeal against the judgment dated 08.09.2025 passed by the District and Sessions Court for Communal Clash Cases, Madurai, in C.C.No.305 of 2017.

For Petitioner : Mr.K.Prabakaran

For Respondent : Mr.K.Sanjai Gandhi

Government Advocate (Crl.Side)



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ORDER

The petition has been filed to condone the delay of 32 days in filing the above criminal appeal against the judgement dated 08.09.2025, in C.C.No.305 of 2017, passed by the learned District and Sessions Judge for Communal Clash Cases, Madurai.

2. The petitioner was convicted and sentenced to undergo rigorous imprisonment for twelve years and to pay a fine of Rs.1,25,000/- in default to undergo 3 years simple imprisonment, for the offence under Section 8(c) r/w 20[b][ii][C] of NDPS Act.

3.The petitioner in the affidavit filed in support of the condone delay petition stated that he informed the Advocate, who contested the case before the trial court, to prefer the appeal but he did not prefer an appeal before this Court in time. It is further averred that the petitioner is the only breadwinner of his family and his family members had no resources and they could not arrange an Advocate within the time prescribed by law and that the delay



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was neither wilful nor wanton. Therefore, the delay of 32 days in filing the above appeals may be condoned.

4.The learned counsel for the petitioner submitted that the conviction has caused severe prejudice, irreparable loss and hardship to the petitioner and that due to financial constraints, the petitioner could not file the appeal in time. Hence, he prayed this Court to condone the delay of 32 days in preferring the appeal.

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



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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.

7.The petitioner herein, has also stated that he did not have the requisite monetary consideration and so was not able to file the appeal 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 32 days and to give an opportunity to the petitioner to contest the statutory appeal on merits.

9.Accordingly, the delay of 32 days in filing the criminal appeal is condoned and the petition is **ordered**. The Registry is directed to number the appeal if it is otherwise in order and post it for admission.

17.12.2025



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N.MALA,J

CM

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