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Crl.M.P(MD)No.19934 of 2025

Crl.M.P(MD)No.19934 of 2025
in
Crl.A(MD)SR.No.83648 of 2025

N.MALA, J.

This petition has been filed to condone the delay of 29 days in filing the above criminal appeal against the judgement in Spl.SC.No.62 of 2023, dated 29.08.2025 on the file of Learned Principal Sessions Judge (Special Court for Exclusive Trial of cases under POCSO Act), Thanjavur.

2.The petitioner was convicted and sentenced for the following offences:

S.No.	Offence	Sentence	Fine	In default sentence
1.	Section 8 of POCSO Act, 2012	5 years rigorous imprisonment	Rs.10,000/-	6 months simple imprisonment
2.	Section 116 r/w.306 of IPC	2 years and 5 months rigorous imprisonment	Nil	Nil

3.The petitioner in the affidavit filed in support of the condone delay petition stated that due to financial constraints, he was not able to file the criminal appeal in time and that the delay was neither wilful nor



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wanton. Therefore, the delay of 29 days in filing the above appeal 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 29 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



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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 due to financial constraints, the petitioner 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 29 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

9.Accordingly, the delay of 29 days in filing the criminal appeal is condoned. The petition is ordered. Registry is directed to number the appeal, if it is otherwise in order and list the case for admission.

15.12.2025

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