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Crl.M.P(MD)No.20287 of 2025

Crl.M.P(MD)No.20287 of 2025
in
Crl.A(MD)SR.No.84126 of 2025

N.MALA, J.

This petition has been filed to condone the delay of 188 days in filing the above criminal appeal against the judgement in C.C.No.619 of 2021, dated 05.04.2025 on the file of Learned I Additional Special Court for NDPS Act Cases, Madurai.

2.The petitioner was convicted and sentenced to undergo rigorous imprisonment for twelve years and to pay a fine of Rs.1,00,000/- in default to undergo simple imprisonment for two years, for the offences under Section 29(1) r/w Section 20(b)(ii)(c), Section 27(a) of NDPS Act.

3.The petitioner in the affidavit filed in support of the condone delay petition stated that he had handed over the certified copy of the Judgment in C.C.No.619 of 2021 to his counsel to prefer an appeal but unfortunately his counsel misplaced the same. Hence, the petitioner was constrained to file the appeal with a web copy. He further stated that his



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wife is a home maker and that she does not understand the legal proceedings and his wife is not in a position to make arrangements for funds to meet the expenses for filing the appeal. Therefore, the delay of 188 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 188 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



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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.

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 188 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

9.Accordingly, the delay of 188 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.

18.12.2025

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