



WEB COPY



CRL MP(MD)No.530/2026

CRL MP(MD)No.530/2026
in
CRL A(MD)SR.No.434/2026

N.MALA, J.

This petition has been filed to condone the delay of 93 days in filing the above criminal appeal against the judgement dated 01.08.2025 in Spl.SC.No.74/2024, on the file of learned Sessions Judge, Mahalir Needhimandaram, Fast Track Mahila Court, Dindigul District.

2.The petitioner was convicted and sentenced as follows:-

Conviction under Section	Sentence imposed
366 IPC	To undergo 6 years rigorous imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo 4 months simple imprisonment.
6 of POCSO Act	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo 6 months simple imprisonment.

3.The petitioner in the affidavit filed in support of the condone delay petition stated that since he was taken into judicial custody immediately after pronouncement of the judgment by the Trial Court, he was not able to



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meet his family and relatives to file the criminal appeal on time and that the delay was neither wilful nor wanton. Therefore, the delay of 93 days in filing the above appeal may be condoned. The learned counsel further submitted that the conviction has caused severe prejudice, irreparable loss and hardship to the petitioner. Hence, he prayed this Court to condone the delay of 93 days.

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

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, reiterates that the right to appeal is not only statutory but also constitutional right.

6. 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 93 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

7. Accordingly, the petition is **ordered** and the delay of 93 days in filing the criminal appeal is condoned. The Registry is directed to number the appeal, if it is otherwise in order and list the case for admission.

09.01.2026

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