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CRL MP(MD)No.265/2026

CRL MP(MD)No.265/2026
in
CRL A(MD)SR.No.518/2026

N.MALA, J.

This petition has been filed to condone the delay of 591 days in filing the above criminal appeal against the judgement dated 22.03.2024, in Spl.SC.No.257/2023, passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul.

2.The petitioner in the affidavit filed in support of the condone delay petition averred that due to poverty and lack of support from his family, he was not able to engage a counsel to file the criminal appeal in time and therefore, the delay of 591 days. The petitioner further stated that the delay was neither wilful nor wanton, but due to the aforesaid *bona fide* reasons, and therefore prayed for condonation of the delay of 591 days.

3.The respondent filed a counter affidavit, narrating the sequence of events leading to conviction of the petitioner. The respondent denied the petitioner's aforesaid contention for the huge delay of 591 days and prayed for the dismissal of the petition.



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4. Heard the learned Government Advocate [Crl.Side] for the respondent and perused the materials placed 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, condoned the delay of 1637 days in filing the appeal by accepting the similar reason of lack of monetary resources.

6. The petitioner herein, has also stated that due to poverty, he was not able to file the appeal in time.

7. 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 591 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.



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8. Accordingly, the delay of 591 days in filing the criminal appeal is **condoned** and the petition is **ordered**.

11.02.2026

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