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CRL MP(MD)No.193/2026

CRL MP(MD)No.193/2026
in
CRL A(MD)SR.No.86454/2025

N.MALA, J.

This petition has been filed to condone the delay of 1251 days in filing the above criminal appeal against the judgement dated 17.05.2022, in SC.No.22/2021, passed by the learned I Additional Sessions Judge, [Fast Track Mahila Court], Karur.

2.The case of the prosecution in brief was that the victim, a mentally retarded person and a deserted wife, was kidnapped on 17.06.2020, at about 1.00 p.m., by the petitioner [arrayed as A2] along with A1 and was sexually assaulted by them. A case was registered in Crime No.7/2020 for the offences under Section 376[2][1] and 376[2][D] of IPC and was taken up on file by the learned Additional Sessions Judge, [Fast Track Mahila Court], Karur, in SC.No.22/2021 and vide judgment dated 17.05.2022, the petitioner was convicted and sentenced as follows:-

<i>Sl.No.</i>	<i>Conviction under Section</i>	<i>Sentence imposed</i>
1	366 IPC	To undergor RI for 10 years, to pay a fine of Rs.1,000/- and in default, to undergo SI for 1 year



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2	376[2][1] of IPC	To undergo RI for 10 years, to pay a fine of Rs.1,000/- and in default, to undergo SI for 1 year
3	376[2][D] of IPC	To undergo RI for 20 years, to pay a fine of Rs.1,000/- and in default, to undergo SI for 1 year

3.The petitioner in the affidavit filed in support of the condone delay petition states that due to poverty, he was not able to engage the counsel to file the criminal appeal in time and therefore, the delay of 1251 days in preferring the appeal by the petitioner. The petitioner further states that the delay was neither wilful nor wanton and hence, prayed that the delay of 1251 days in filing the above appeal may be condoned.

4.The respondent filed a counter denying the averments in the affidavit filed in support of the delay application. The respondent states that the reasons cited are untenable and vague and not supported by any material documents. The respondent further states that the petitioner failed to discharge the burden on him of explaining the inordinate delay of 1251 days in filing the appeal and therefore, the petition deserve to be dismissed.

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



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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 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 poverty, he 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 1251 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.



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9. Accordingly, the delay of 1251 days in filing the criminal appeal is

condoned and the petition is **ordered**.

22.01.2026

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