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Crl.M.P(MD)No.988 of 2026

Crl.M.P(MD)No.988 of 2026
in
Crl.A(MD)SR.No.1156 of 2026

N.MALA, J.

This petition has been filed to condone the delay of 376 days in filing the above criminal appeal against the judgement in Spl.SC.No.41 of 2023, dated 25.10.2024 on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Theni.

2.The petitioner was convicted and sentenced to undergo rigorous imprisonment for twenty years, to pay a fine of Rs.10,000/- in default to undergo rigorous imprisonment for one year, for the offences under Section 5(n), 5(l) read with Section 6 of the POCSO Act.

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 wanton but due to the said reason. The petitioner therefore prayed that the delay of 376 days in filing the above appeal be condoned.



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4.The learned counsel for the petitioner submitted that the conviction 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 376 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 the delay of 1637 days in filing the appeal by accepting the similar reason of lack of monetary resources.



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7.The petitioner herein, has also stated that due to financial hardship, 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 376 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

9.Accordingly, the delay of 376 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.

20.01.2026

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20.01.2026