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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2026

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THE HONOURABLE MRS JUSTICE N. MALA

Crl.M.P.(MD)No.1404 of 2026

in Crl.A(MD).SR.No.3216 of 2026

Chinnaraja
S/o.Thangamani
Kaliammal Kovil Street
Valayapatti Street
Pothampatti Post
Usilampatti Taluk
Madurai District. (At present appellant is confined at Central Prison
Madurai as convict prisoner)

Petitioner/Appellant/Accused No.1

Vs.

The State of Tamilnadu Rep By its,
The Inspector Of Police,
Madurai NIB-CID,
Madurai District
Crime No.14/2022

Respondent/Respondent/Complainant

For Petitioner(s):

Mr.M.Jegadeesh Pandian

For Respondent(s): Mr.B.Nambi Selvan

Additional Public Prosecutor

Prayer: This petition is filed under Section 5 of the Limitation Act to condone the delay of 174 days in filing criminal appeal as against the judgment of conviction passed by the learned Principal Special Judge, Principal Special Court for EC and NDPS Act cases, Madurai, in CC.No. 567/2023 dated 06.05.2025.



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ORDER

This application has been filed to condone the delay of 174 days in preferring the criminal appeal against the judgment of conviction passed in CC.No.567 of 2023 dated 06.05.2025 on the file of the the learned Principal Special Judge, Principal Special Court for EC and NDPS Act cases, Madurai.

2. It is averred in the affidavit filed in support of this petition that the petitioner took the judgment along with himself and after discussing with his family, the petitioner had to arrange money to engage an Advocate and in that process, he was unable to arrange to file the appeal within time. It is therefore prayed that the delay may be condoned.

3. The learned Government Advocate(Crl.side) appearing for the respondent would submit that the delay is not sufficiently explained and prayed for dismissal of this petition.

4.I have perused the affidavit carefully. It is seen that only because of the family circumstances, the delay of 174 days occurred in filing the appeal.



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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. In view of the abovesaid judgment of the Hon'ble Supreme Court, this Court is inclined to give the petitioner an opportunity to contest the statutory appeal on merits. Therefore, the delay of 174 days is condoned and this petition is allowed. The Registry is directed to number the appeal if it is otherwise in order.

23.01.2026

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N.MALA, J.

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