



WEB COPY



CRL MP(MD)No.1699/2026

CRL MP(MD)No.1699/2026
in
CRL A(MD)SR.No.3761/2026

N.MALA, J.

This petition has been filed to condone the delay of 59 days in filing the above criminal appeal against the judgement dated 25.09.2025, in Spl.SC.No.110/2022, passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli.

2.The case of the prosecution in brief is that on 21.05.2021, at about 4.00 p.m., when the victim girl was playing in front of her house, the petitioner called her and when she refused to go, the petitioner pulled her hands and took her to his house and committed sexual assault on her. Hence, a case was registered in Crime No.9/2021 for the offences under Sections 366 and 506[i] of IPC and under Section 9[I][m][n] of the POCSO Act, 2012. The case was taken up on file by the learned Sessions Judge, Special Court for POCSO Act, Tirunelveli, in Spl.SC.No.110/2022, and by judgment dated 25.09.2025, the petitioner was convicted and sentenced as follows:-



CRL MP(MD)No.1699/2026

Sl.No.	Conviction under Section	Sentence imposed
1	9[m] read with 10 of POCSO Act	To undergo RI for 5 years, to pay a fine of Rs.5,000/- and in default, to undergo RI for 1 year.
2	366 of IPC	To undergo RI for 5 years, to pay a fine of Rs.5,000/- and in default, to undergo RI for 1 year.

3. Aggrieved by the aforesaid conviction and sentence, the petitioner has preferred the above appeal along with the petition to condone the delay of 59 days.

4. The petitioner in the affidavit filed in support of the condone delay petition has averred that due to age related health problems and financial constraints, he was not able to engage the counsel to file the criminal appeal in time and therefore, the delay of 59 days in preferring the appeal by the petitioner. The petitioner further states that as the delay was neither wilful nor wanton, but due to *bona fide* reasons, prayed for condonation of the delay of 59 days.



CRL MP(MD)No.1699/2026

5. Heard the learned Government Advocate [Crl.Side] for the respondent and perused the materials placed 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.

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



CRL MP(MD)No.1699/2026

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

9. Accordingly, the delay of 59 days in filing the criminal appeal is **condoned** and the petition is **ordered**.

28.01.2026

AP
Internet: Yes



WEB COPY



CRL MP(MD)No.1699/2026

N.MALA,J

AP

CRL MP(MD) No.1699/2026
in
CRL A(MD)SR.No.3761/2026

28.01.2026