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Crl.M.P(MD)No.1568 of 2026

Crl.M.P(MD)No.1568 of 2026
in
Crl.A(MD)SR.No.85890 of 2025

N.MALA, J.

This petition has been filed to condone the delay of 416 days in filing the above criminal appeal against the judgement in C.C.No.41 of 2022, dated 27.08.2024 on the file of the I Additional Special Court for NDPS Act Cases, Madurai.

2. The petitioner was convicted for offence under Section 8(c) r/w 20(b)(ii)(c) of NDPS Act and sentenced to undergo rigorous imprisonment for 14 years along with fine amount of Rs.1,00,000/-, in default to undergo simple imprisonment for 2 years.

3. The petitioner in his affidavit filed in support of the petition, states that due to his incarceration and separation from his wife, he was unable to contact his advocate in time to file the appeal. The petitioner states that the delay was neither willful nor wanton due to that reason.



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4. The respondent filed a detailed counter denying all the averments made in the affidavit, apart from stating that the petition is filed only to protract the proceedings. The respondent therefore submitted that the petition deserved to be dismissed as meritless.

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.

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



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Court is inclined to condone the delay of 416 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

8. Accordingly, the delay of 416 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.

13.02.2026

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