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CRL MP(MD)No.2703/2026

CRL MP(MD)No.2703/2026
in
CRL A(MD)SR.No.6149/2026

N.MALA, J.

This petition has been filed to condone the delay of 97 days in filing the above criminal appeal against the judgement dated 29.08.2025, in Spl.SC.No.14/2023, passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai.

2.The petitioner in the affidavit filed in support of the condone delay petition stated that he is the sole breadwinner of his family and that his family members are dependent on his income and that, since they have no sufficient funds to file an appeal in time, there was a delay of 97 days in preferring the appeal. The petitioner further stated that the delay was neither wilful nor wanton, but due to the aforesaid *bona fide* reasons, and therefore prayed for condonation of the delay of 97 days.

3.Heard the learned Government Advocate [Crl.Side] accepting notice on behalf of the respondent and perused the materials placed on record.



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4.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.

5.Being satisfied with the reasons stated in the affidavit filed in support of the petition and in view of the aforesaid judgment of the Hon'ble Supreme Court, this Court is of the view that the right to file an appeal being not only a statutory right, but also a constitutional right, the petitioner should be given an opportunity to contest the case on merits. Hence, this Court is inclined to condone the delay so as to give an opportunity to the petitioner to contest the appeal on merits.



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6. Accordingly, the delay of 97 days in filing the criminal appeal is **condoned** and the petition is **ordered**.

06.02.2026

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