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CRL MP(MD)No.3844/2026

CRL MP(MD)No.3844/2026
in
CRL A(MD)SR.No.8987/2026

N.MALA, J.

This petition has been filed to condone the delay of 389 days in filing the above criminal appeal against the judgement dated 23.10.2024, in Spl.SC.No.15/2021, passed by the learned Sessions Judge, Mahila Court, Pudukottai.

2.The petitioner in the affidavit filed in support of the condone delay petition states that after making arrangements for funds, she contacted her counsel for filing the appeal and in the process, the delay of 389 days occurred. The petitioner states that the delay is purely due to the aforesaid reason and it was neither wilful nor wanton and hence, prayed for condonation of the delay of 389 days.

3.The respondent has filed detail counter affidavit.

4.The respondent, in his counter, has stated that the inordinate delay of 389 days in filing the appeal was completely unacceptable since the petitioner failed to produce any sufficient or satisfactory reasons for the delay. The respondent has further stated that the petition to condone the



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delay, was vague and did not constitute a reasonable cause to justify the long delay.

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.

7. The petitioner herein, has also stated that for want of funds, 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



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inclined to condone the delay of 389 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

9. Accordingly, the delay of 389 days in filing the criminal appeal is **condoned** and the petition is **ordered**.

10. Registry is directed to number the criminal appeal, if the papers are otherwise in order and list the same for admission.

27.02.2026

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Internet: Yes



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