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*Crl.MP(MD)No.11048 of 2026 in
Crl.A(MD) No.29900 of 2026*

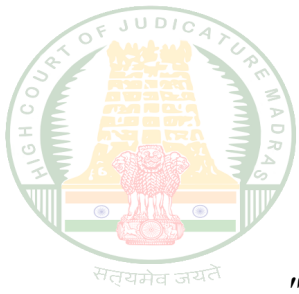
Crl.M.P.(MD)No.11048 of 2026
in Crl.A.(MD)S.R.No.29900 of 2026

B.PUGALENDHI, J.

The State has preferred an appeal against the order of acquittal passed by the learned Sessions Judge, Special Court for POCSO Act Cases, Sivagangai District, in Spl.S.C.No.27 of 2019, dated 22.10.2024. The State has filed the present application to condone the delay of 433 days in filing the appeal.

2. The learned counsel appearing for the respondent / sole accused seeks time to file a counter. However, the learned counsel has not clarified the reasons for which he seeks to file a counter.

3. The learned Government Advocate appearing for the State submits that the offence is against a five-year-old child. Since the child was not examined, the Trial Court has acquitted the accused. He further submits that the learned Trial Judge has failed to consider the evidence of P.W.2 and P.W.13, the other children who were playing with the victim child at the time of occurrence. He has also narrated the reasons for the delay in the affidavit, and the relevant portion is reproduced as under:-



Crl.MP(MD)No.11048 of 2026 in
Crl.A(MD) No.29900 of 2026

WEB COPY

"7. I submit that the judgment in the above case was pronounced on 22.10.2024. A certified copy of the judgment was applied for, on behalf of the petitioner on 19.11.2024. However, the certified copy was made ready by the Trial Court only on 29.11.2024. Thereafter the investigating officer placed the matter for legal opinion to the Special Public Prosecutor for POCSO Act Cases, Sivagangai, who opined that the matter was fit for filing an appeal on 20.11.2024. Based on the opinion, the Inspector of Police, Sivagangai All Women Police Station forwarded a proposal to the Superintendent of Police, Sivagangai District on 09.01.2025. Immediately the Superintendent of Police, Sivagangai forwarded the proposal to the Director General of Police, Chennai through C.No.G2/1089/22/2025 dated 13.01.2025. In turn, the Director General of Police, Chennai sent a request letter vide RC. No.9431885/Crime 3(2)/2025 dated 05.02.2025 to the Deputy Secretary to Government, Social Welfare and Women Empowerment (SW.5) Department, Secretariat, Chennai, Thereafter the entire papers were placed before the Secretary to the Government, Social Welfare and Women Empowerment Department, who also approved it as a fit case for appeal, following which the matter was forwarded to the Director General of Police on 12.11.2025 for necessary action vide G.O.(D).No.228 dated 23.09.2025. In turn, the Director General of Police, Chennai vide ROC.No. 9431885/Crime 3(2)/2025 dated 19.11.2025 forwarded the



WEB COPY



*CrI.MP(MD)No.11048 of 2026 in
CrI.A(MD) No.29900 of 2026*

proposal to the Superintendent of Police, Sivagangai District.

8. I submit that during first week of December, I received a communication to bring deposition of witnesses from the office of the Public Prosecutor, Chennai and I sent the same to them. Ongoing through the same, the State Public Prosecutor offered his opinion, stating that it is fit case for filing and forwarded his opinion to the office of the State Public Prosecutor, Madras High Court, Chennai for further opinion, and within a reasonable time, on 02.12.2025 for filing the appeal.

4. This Court is satisfied with the reasons assigned for the delay in filing the appeal. Therefore, this Court is inclined to allow this petition. Accordingly, this petition is ordered and the delay is condoned.

5. Registry is directed to number the appeal, if it is otherwise in order, and list it 'for admission' in the usual course.

29.06.2026

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*Crl.MP(MD)No.11048 of 2026 in
Crl.A(MD) No.29900 of 2026*

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Crl.MP(MD) No.11048 of 2026
in
Crl.A(MD)S.R.No.29900 of 2026

29.06.2026