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CRL.M.P(MD)No.19830 of 2025
in
CRL.A(MD)SR.NO.63866 of 2025

N.MALA,J

This Petition has been filed to condone the delay of 1255 days in preferring the above Criminal Appeal against the judgment made in Spl.S.C.NO.04 of 2019, dated 5.10.2020, on the file of learned Sessions Judge, Mahila Court, Pudukkottai.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The learned counsel for the Petitioner in paragraph No.3 of the affidavit filed in support of this Petition has sufficiently explained reasons for huge delay of 1255 days in filing the above Criminal Appeal.

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]***,



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held that the right to appeal, particularly, when it concerns the liberty of the individual, is not only a fundamental right, but it is a constitutional 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.

5. Being satisfied with the reasons stated in paragraph 3 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 1255 days and to give an opportunity to the petitioner to contest the statutory appeal on merits.

6. Accordingly, the delay of 1255 days in filing the criminal appeal is condoned and the petition is **ordered**. Registry is directed to number the appeal if it is otherwise in order and list it for admission in the usual course.

09.01.2026

vsn

2/3



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N.MALA.J

vsn

ORDER MADE IN
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in
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09.01.2026