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CRL MP(MD)No.18733/2025

CRL MP(MD)No.18733/2025
in
CRL A(MD)SR.No.17257/2025

N.MALA, J.

This petition has been filed to condone the delay of 275 days in filing the above criminal appeal against the judgement dated 29.05.2024 in Spl.SC.No.72/2023, on the file of learned Sessions Judge, Special Court for the Exclusive Trial of POCSO Act Cases, Dindigul.

2.The petitioner was convicted and sentenced as follows:-

Conviction under Section	Sentence imposed
450 IPC	To undergo 6 years rigorous imprisonment and to pay a fine of Rs.1,000/- and in default, to undergo 3 months simple imprisonment.
6 of POCSO Act	To undergo 20 years rigorous imprisonment and to pay a fine of Rs.1,000/- and in default, to undergo 6 months simple imprisonment.

3.The petitioner in the affidavit filed in support of the condone delay petition stated among other things, that due to poverty, he was not able to



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file the criminal appeal on time and that the delay was neither wilful nor wanton. Further, the petitioner states that though his counsel had made ready the appeal papers during 2024, the papers was misplaced in his house and hence, the delay had occurred. The learned counsel further submitted that the conviction has caused severe prejudice, irreparable loss and hardship to the petitioner. Hence, he prayed this Court to condone the delay of 275 days.

4.Heard both sides and perused the materials on record.

5.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, reiterated that the right to appeal is not only statutory but also constitutional right.



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6. Being satisfied with the specific reason of poverty stated in 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 275 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

7. Accordingly, the petition is **ordered** and the delay of 275 days in filing the criminal appeal is condoned. The Registry is directed to number the appeal, if it is otherwise in order and list the case for admission.

09.01.2026

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