



CRL MP(MD)No.17312 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD)No.17312 of 2025

in

CRL A(MD) SR. No.66975 of 2025

P.Balu

... Appellant/Accused

Vs

The State represented through
The Inspector of Police,
Jeyamangalam Police Station,
Theni
(Crime No.115 of 2023)

... Respondent/Complainant

PRAYER: These petition is filed under Section 5 of the Limitation Act to condone the delay of 505 days in filing the above appeal against the judgment dated 20.03.2024 passed by the Sessions Judge, Principal Special Court, Theni, in S.C.No.115 of 2023.

For Petitioner : Mr.K.M.Mohammed Ali
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)



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ORDER

This petition has been filed to condone the delay of 505 days in filing the above criminal appeal against the judgement dated 20.03.2024, in S.C.No.115 of 2023, passed by the learned Sessions Judge, Principal Special Court, Theni, convicting the petitioner under Sections 342, 376(2), 506(1) IPC and Section 6 of POCSO Act.

2. The petitioner states that he was confined in the Central Prison, Madurai and since he could not afford an Advocate to file appeal against the judgment of conviction, he had to approach a Legal Aid counsel to file an appeal. In the said process, the delay of 505 days occurred. The petitioner therefore prays that the delay of 505 days in filing the above appeal may be condoned since the delay in neither willful nor wanton.

3. A counter affidavit has been filed contending that the reasons stated for condoning the inordinate delay of 505 days are not sustainable and therefore, the petition deserves to be rejected.



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

5. The Hon'ble Supreme Court, in its 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 guaranteed 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.

6. The petitioner's justification for the delay is that he did not have the requisite monetary resources to engage a counsel and so he had to file the appeal through a Legal Aid counsel.



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7. In the light of the aforesaid judgment of the Hon'ble Supreme Court and being satisfied with the reasons cited for the delay in preferring the appeal, this Court is inclined to condone the delay of 505 days so as to afford an opportunity to the petitioner to contest the statutory appeal on merits.

8. Accordingly, the delay of 505 days in filing the criminal appeal is condoned and the petition is **ordered**. The Registry is directed to number the appeal if it is otherwise in order and post it for admission.

CM

19.01.2026



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N.MALA,J

CM

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