



CRL MP(MD)No.19333 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD)No.19333 of 2025

in

CRL A(MD) SR. No.81220 of 2025

K.Ananthi

...Petitioner/Appellant

Vs

1.The State of Tamil Nadu,
rep by the Inspector of Police,
All Women Police Station,
Sivagangai District
(Crime No.11 of 2012)

2.Kannan
3.Meenal
4.Maragatham
5.Jeeva
6.Parimala

... Respondents/Respondents

PRAYER: This petition is filed under Section 5 of the Limitation Act to condone the delay of 61 days in filing the above appeal against the judgment dated 11.07.2025 passed by the Additional Mahila Court (JM Level), Sivagangai in C.C.No.106 of 2019.



WEB COPY



CRL MP(MD)No.19333 of 2025

For Petitioner : Mr.M.Vivek Kumar
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

ORDER

The petition has been filed to condone the delay of 61 days in filing the above appeal against the judgment of acquittal dated 11.07.2025 passed by the Additional Mahila Court (JM Level), Sivagangai in C.C.No.106 of 2019.

2. The accused were acquitted by the learned Additional Mahila Court (JM Level), Sivagangai. Against the judgment of acquittal, the defacto complainant is before this Court.

3. When the matter was taken up on 08.12.2025, notice to the respondents 2 to 6 through the first respondent returnable by 05.01.2026 was ordered. Pursuant to the notice issued by the first respondent, the respondent 2 to 5 have appeared through counsel. Though notice has been served to the sixth respondent, the sixth respondent has not appeared in person or through a counsel.



CRL MP(MD)No.19333 of 2025

4.The petitioner in the affidavit filed in support of the condone delay petition stated that after the judgment of acquittal was passed, the petitioner fell ill and suffered with mental trauma. Due to poverty and her physical and mental condition, the petitioner was not in a position to take apt decision to prefer an appeal in time. It is further averred that the delay was neither wilful nor wanton due to the abovesaid reason.

5.The learned counsel for the petitioner submitted that if the delay is not condoned, the petitioner will be put to irreparable loss and immense hardship and that due to financial constraints, the petitioner could not file the appeal in time. Hence, he prayed this Court to condone the delay of 61 days in preferring the appeal.

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

7.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 csae of ***Dilip S.Dahanukar Vs. Kotak Mahindra Co. Ltd [2007 [6] SCC 528]***, held that



CRL MP(MD)No.19333 of 2025

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.

8.The petitioner herein, has also stated that she did not have the requisite monetary consideration and so was not able to file the appeal in time.

9. In view of the abovesaid judgment of the Hon'ble Supreme Court, this Court is inclined to give the petitioner an opportunity to contest the statutory appeal on merits. Therefore, the delay of 61 days is condoned and this petition is ordered. The Registry is directed to number the appeal, if it is otherwise in order.

05.01.2026

CM



WEB COPY



CRL MP(MD)No.19333 of 2025

N.MALA,J

CM

CRL MP(MD)No.19333 of 2025
in
CRL A(MD) SR. No.81220 of 2025

05.01.2026