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CrI.M.P(MD)No.19860 of 2025
in
CrI.A(MD)SR.NO.83229 of 2025

N.MALA,J

This Petition has been filed to condone the delay of 42 days occurred in filing the above Criminal Appeal against the judgment of the learned Sessions Judge for POCSO Act Cases, Kanyakumari District at Nagercoil in Special S.C.No.50 of 2020, dated 28.08.2025.

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

3.The Hon'ble Supreme Court, vide order, dated 02.01.2025, in SLP.[CrI.].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 not only a fundamental, 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.

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4.The Petitioner herein, has in paragraph No.10 of his affidavit stated that the delay was due to the belated receipt of the certified copies of the judgment from the trial Court.

5.Being satisfied with the reasons 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 42 days, so as to give an opportunity to the petitioner to contest the statutory appeal on merits.

6.Accordingly, the delay of 42 days in filing the criminal appeal is condoned and the petition is **ordered**. Registry is directed to number the Criminal Appeal, if the papers are otherwise in order and list it for admission in the usual course.

05.01.2026

vsn



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N.MALA.,J

vsn

ORDER MADE IN
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05.01.2026