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CRL MP(MD)No.20078/2025

CRL MP(MD)No.20078/2025
in
CRL A(MD)SR.No.29715/2025

N.MALA, J.

This petition has been filed to condone the delay of 9 days in filing the above criminal appeal against the judgement dated 28.03.2025, in Crl.MP.SR.No.405/2025, passed by the learned I Additional District and Sessions Judge, [PCR], Tiruchirappalli.

2.The petitioner in the affidavit filed in support of the condone delay petition averred that due to the delay in filing the application for obtaining the certified copy of the the judgment of the Trial Court, the delay of 9 days occurred in filing the present appeal. The petitioner further stated that the delay was neither wilful nor wanton, but due to the aforesaid *bona fide* reason, and therefore prayed for condonation of the delay of 9 days.

3.Heard the learned counsel appearing for the respondents 1 to 7 and the learned Government Advocate [Crl.Side] for the respondents 8 and 9 and perused the materials placed on record.



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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]***, 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.

5.Being satisfied with the reasons stated in the affidavit filed in support of the petition and in view of the aforesaid judgment of the Hon'ble Supreme Court, this Court is of the view that the right to file an appeal being not only a statutory right, but also a constitutional right, the petitioner should be given an opportunity to contest the case on merits. Hence, this Court is inclined to condone the delay so as to give an opportunity to the petitioner to contest the appeal on merits.

6.Accordingly, the delay of 9 days in filing the criminal appeal is **condoned** and the petition is **ordered**.



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18.02.2026

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Internet: Yes



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