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CRL MP(MD)No.20446/2025

CRL MP(MD)No.20446/2025
in
CRL A(MD)SR.No.84234/2025

N.MALA, J.

This petition has been filed to condone the delay of 488 days in filing the above criminal appeal against the judgement dated 11.06.2024, in Spl.SC.No.86/2021, passed by the learned Sessions Judge,

2.The petitioner was convicted and sentenced to undergo rigorous imprisonment for 30 years, to pay a fine of Rs.25,000/-, and in default to undergo simple imprisonment for 2 years, for the offences under Section 5[m], 5[l] and 5[n] read with Section 6 of the POCSO Act and to undergo rigorous imprisonment for 2 years, to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for 3 months for the offence under Section 506[ii] of IPC, in Crime No.11/2021.

3.The petitioner in the affidavit filed in support of the condone delay petition stated that his family was very poor and that, due to financial constraints, he was not able to file the criminal appeal in time and that the



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delay was neither wilful nor wanton. The petitioner therefore prayed for the condonation of the delay of 488 days.

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

5. The Hon'ble Supreme Court, in the 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, condoned the delay of 1637 days in filing the appeal by accepting the similar reason of lack of monetary resources.

6. The petitioner herein, has also stated that due to financial constraints, the petitioner was not able to file the appeal in time.



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7. 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 488 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

8. Accordingly, the delay of 488 days in filing the criminal appeal is condoned and the petition is **ordered**.

21.01.2026

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