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CRL MP(MD)No.2708/2026

CRL MP(MD)No.2708/2026
in
CRL A(MD)SR.No.85652/2025

N.MALA, J.

This petition has been filed to condone the delay of 67 days in filing the above criminal appeal against the judgement dated 12.08.2024, in Spl.SC.No.97/2024, passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi.

2.The petitioner in the affidavit filed in support of the condone delay petition averred that he did not have the support of his family for filing the appeal and therefore, after arranging money for preferring the appeal, he filed the above appeal and in the process, there was a delay of 67 days. The petitioner stated that the delay was neither wilful nor wanton, but due to the aforesaid *bona fide* reasons, and therefore prayed for condonation of the delay of 67 days.

3.Heard the learned Government Advocate [Crl.Side] accepting notice for the respondent 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. 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.

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

6.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 67 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.



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7. Accordingly, the delay of 67 days in filing the criminal appeal is **condoned** and the petition is **ordered**.

06.02.2026

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