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CRL MP(MD)No.4360/2026

CRL MP(MD)No.4360/2026
in
CRL A(MD)SR.No.86555/2025

N.MALA, J.

This petition has been filed to condone the delay of 286 days in filing the above criminal appeal against the judgement dated 17.12.2024, in SC.No.31/2021, passed by the learned Additional Sessions Judge, Karur.

2.The petitioner in the affidavit filed in support of the condone delay petition averred that pursuant to the judgment of conviction, he was incarcerated in the Central Prison and therefore, for want of help and financial resources, the delay of 286 days occurred in preferring the appeal in time. The petitioner states that the delay was neither wilful nor wanton, but due to the aforesaid *bona fide* reasons and hence, prayed for condonation of the delay of 286 days.

3.Heard both sides and perused the materials placed on record.

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



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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 constraint, 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 286 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

7.Accordingly, the delay of 286 days in filing the criminal appeal is **condoned** and the petition is **ordered**.

25.02.2026

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