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CRL MP(MD)No.231/2026

CRL MP(MD)No.231/2026
in
CRL A(MD)SR.No.86568/2025

N.MALA, J.

This petition has been filed to condone the delay of 970 days in filing the above criminal appeal against the judgement dated 03.02.2023, in Spl.SC.No.36/2021, passed by the learned Special Judge, Mahila Court, Pudukottai.

2.The petitioner in the affidavit filed in support of the condone delay petition states that she is an economically poor person and due to lack of financial resources, she was not able to file the appeal in time. The petitioner states that the delay of 970 days in filing the appeal, is purely due to her poverty and it was neither wilful nor wanton and hence, prayed for condonation of the delay of 970 days.

3.The respondents have filed detail counter affidavits.

4.The 1st respondent, in his counter, has stated that the inordinate delay of 970 days in filing the appeal was completely unacceptable since the petitioner failed to produce any sufficient or satisfactory reasons for the delay. The 1st respondent has further stated that the petition to condone the



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delay, was vague and did not constitute a reasonable cause to justify the long delay.

5.The 2nd respondent, in his counter affidavit, except relying on the judgment of the Hon'ble Supreme Court in ***Pathpati Subba Reddy [Died] by LRs and Others Vs. The Special Deputy Collector***, has not denied the factual averment of the petitioner that due to her poverty, she was not able to file the appeal in time.

6.Heard the learned counsels on both sides and perused the materials on record.

7.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



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in filing the appeal by accepting the similar reason of lack of monetary resources.

8.The petitioner herein, has also stated that due to poverty, she was not able to file the appeal in time.

9.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 970 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

10.Accordingly, the delay of 970 days in filing the criminal appeal is **condoned** and the petition is **ordered**.

11.Registry is directed to number the criminal appeal, if the papers are otherwise in order and list the same for admission.

18.02.2026

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Internet: Yes



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