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CRL MP(MD)No.1142/2026

CRL MP(MD)No.1142/2026
in
CRL A(MD)SR.No.86762/2025

N.MALA, J.

This petition has been filed to condone the delay of 1108 days in filing the above criminal appeal against the judgement dated 21.09.2022, in Spl.SC.No.27/2020, passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Srivilliputhur.

2.The case of the prosecution in brief is that the victim girl is an orphan and is residing in her aunt's house. The petitioner is known to the victim girl's family and that, the victim used to go to the house of the petitioner to watch TV. While so, on 04.11.2021, at about 9.00 a.m., when the victim was watching TV in the petitioner's house, the petitioner committed sexual assault on her continued the said act repeatedly, due to which, the victim became pregnant and gave birth to a boy baby on 23.10.2019. Hence, a case was registered in Crime No.9/2019 for the offences under Sections 506[i] of IPC and under Section 5[i] read with Section 6 and under Section 5[j][ii] read with Section 6 of the POCSO Act,



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2012. The case was taken up on file by the learned Sessions Judge, Special Court for POCSO Act, Srivilliputhur, in Spl.SC.No.27/2020, and by judgment dated 21.09.2022, the petitioner was convicted and sentenced as follows:-

<i>Sl.No.</i>	<i>Conviction under Section</i>	<i>Sentence imposed</i>
1	506[i] of IPC	To undergo RI for 2 years, to pay a fine of Rs.5,000/- and in default, to undergo SI for 3 months.
2	5[j][ii] r/w 6 of POCSO Act	To undergo RI for 10 years, to pay a fine of Rs.10,000/- and in default, to undergo SI for 1 year.

3. Aggrieved by the aforesaid conviction and sentence, the petitioner has preferred the above appeal along with the petition to condone the delay of 1108 days.

4. The petitioner in the affidavit filed in support of the condone delay petition averred that due to financial constraints, he was not able to engage a counsel to file the criminal appeal in time and therefore, the delay of 1108 days in preferring the appeal by the petitioner. The petitioner further stated that the delay was neither wilful nor wanton, but due to the aforesaid *bona*



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vide reasons, and therefore prayed for condonation of the delay of 1108 days.

5. Heard the learned Government Advocate [Crl.Side] for the respondent and perused the materials placed on record.

6. 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.



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

8. 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 1108 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

9. Accordingly, the delay of 1108 days in filing the criminal appeal is **condoned** and the petition is **ordered**.

30.01.2026

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