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CRL MP(MD)No.446/2026

CRL MP(MD)No.446/2026
in
CRL A(MD)SR.No.86769/2025

N.MALA, J.

This petition has been filed to condone the delay of 74 days in filing the above criminal appeal against the judgement dated 07.08.2025 in Spl.SC.No.3/2024, on the file of learned Sessions Judge, Special Court for Exclusive Trial of Cases, POCSO Act, Dindigul.

2.The petitioner was convicted and sentenced as follows:-

Conviction under Section	Sentence imposed
452 IPC	To undergo 3 years rigorous imprisonment and to pay a fine of Rs.5,000/-.
8 of POCSO Act [2 counts]	To undergo 3 years rigorous imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo 6 months simple imprisonment for each count.

3.The petitioner in the affidavit filed in support of the condone delay petition stated that due to financial constraint and poverty, he was not able to file the criminal appeal in time and that the delay was neither wilful nor



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wanton. Therefore, the delay of 74 days in filing the above appeal may be condoned. The learned counsel further submitted that the conviction has caused severe prejudice, irreparable loss and hardship to the petitioner. Hence, he prayed this Court to condone the delay of 74 days.

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

5. 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.

6. The petitioner herein, has also stated that due to financial constraint and poverty, 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 74 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

8. Accordingly, the petition is **ordered** and the delay of 74 days in filing the criminal appeal is condoned. The Registry is directed to number the appeal, if it is otherwise in order and list the case for admission.

09.01.2026

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