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CRL MP(MD)No.1571/2026

CRL MP(MD)No.1571/2026
in
CRL A(MD)SR.No.86892/2025

N.MALA, J.

This petition has been filed to condone the delay of 24 days in filing the above criminal appeal against the judgement dated 26.09.2025, in Spl.SC.No.33/2021, passed by the learned Sessions Judge, [FAC], Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai.

2.The case of the prosecution in brief was that the petitioner, was acquainted with the victim girl, and during the month of June, 2020, under the false promise of marriage, he committed sexual assault on her. Hence, a case was registered in Crime No.22/2021, for the offences under Sections 5[l], 5[j][ii] read with Section 6 of POCSO Act, 2012 and was taken up on file by the learned Sessions Judge, [FAC], Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai, in Spl.SC.No.33/2021. The Trial Court, by judgment dated 26.09.2025, convicted and sentenced the petitioner as follows:-



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<i>Sl.No.</i>	<i>Conviction under Section</i>	<i>Sentence imposed</i>
1	363 of IPC	To undergo RI for 3 years, to pay a fine of Rs.500/- and in default, to undergo SI for 2 months.
2	450 of IPC	To undergo RI for 5 years, to pay a fine of Rs.500/- and in default, to undergo SI for 2 months.
3	5[l] r/w 6 of POCSO Act	To undergo RI for 20 years, to pay a fine of Rs.1,000/- and in default, to undergo SI for 1 year.
4	5[j][ii] r/w 6 of POCSO Act	To undergo RI for 20 years, to pay a fine of Rs.1,000/- 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 24 days.

4. The petitioner in the affidavit filed in support of the condone delay petition states that due to poverty, the petitioner's family was not able to engage a counsel to file the criminal appeal in time and therefore, the delay of 24 days in preferring the appeal by the petitioner. The petitioner further states that as the delay of 24 days in filing the appeal was neither wilful nor wanton, the same may be condoned.



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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.

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



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

9. Accordingly, the delay of 24 days in filing the criminal appeal is **condoned** and the petition is **ordered**.

27.01.2026

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