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CRL MP(MD)No.1899/2026

CRL MP(MD)No.1899/2026
in
CRL A(MD)SR.No.86896/2025

N.MALA, J.

This petition has been filed to condone the delay of 180 days in filing the above criminal appeal against the judgement dated 23.04.2025, in Spl.SC.No.98/2022, passed by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar.

2.The case of the prosecution in brief is that the petitioner was separated from his wife due to matrimonial discord and was living along with his parents. PW1-complainant, a widow, was living in the opposite house of the petitioner/accused. On 20.01.2022 at about 2.00 a.m., the petitioner entered into the house of PW1 through the staircase connecting the terrace and committed rape on her and when she raised alarm, he inflicted injuries on her with an aruval. Hence, a case was registered in Crime No.12/2022 for the offences under Sections 448, 342, 324, 307, 376 of IPC. The case was taken up on file by the learned learned Sessions Judge, Fast Track Mahila Court, Virudhunagar, in Spl.SC.No.98/2022 and



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by judgment dated 23.04.2025, the petitioner was convicted and sentenced as follows:-

<i>Sl.No.</i>	<i>Conviction under Section</i>	<i>Sentence imposed</i>
1	448 of IPC	To undergo RI for 1 year, to pay a fine of Rs.1,000/- and in default, to undergo RI for 3 months.
2	342 of IPC	To undergo RI for 1 year, to pay a fine of Rs.1,000/- and in default, to undergo RI for 3 months.
3	324 of IPC	To undergo RI for 2 years, to pay a fine of Rs.2,000/- and in default, to undergo RI for 3 months.
4	307 of IPC	To undergo RI for 10 years, to pay a fine of Rs.5,000/- and in default, to undergo RI for 6 months.
5	376 of IPC	To undergo RI for 10 years, to pay a fine of Rs.5,000/- and in default, to undergo RI for 6 months.

3. Aggrieved by the aforesaid conviction and sentence, the petitioner has preferred the above appeal along with the petition to condone the delay of 180 days.

4. The petitioner in the affidavit filed in support of the condone delay petition averred that due to financial constraint and his parents illiteracy, he was not able to engage the counsel to file the criminal appeal in time and



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therefore, the delay of 180 days in preferring the appeal by the petitioner.

The petitioner therefore prayed that as the delay was neither wilful nor wanton, but due to *bona fide* reasons, the delay of 180 days may be condoned.

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 constraints and his parents illiteracy, 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 180 days, giving an opportunity to the petitioner to contest the statutory appeal on merits.

9. Accordingly, the delay of 180 days in filing the criminal appeal is **condoned** and the petition is **ordered**.

29.01.2026

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