

Salgaonkar

MANDIRA MILIND
SALGAONKAR

DESIGNED BY MANDIRA
SALGAONKAR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL (ST) NO.16599 OF 2026
WITH
INTERIM APPLICATION NO.2983 OF 2026

Umesh Ramchandra Gaikwad .. Appellant
Versus
The State of Maharashtra .. Respondent

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Ms.Palak Dubey for the Appellant/Applicant.
Smt.Sangeeta Shinde, A.G.P. for the State/Respondent.

CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.
DATE : 29th AUGUST, 2026

...

P.C:-

INTERIM APPLICATION NO.2983 OF 2026

1. The Application seeks condonation of delay of 1090 days in filing of the Appeal, being aggrieved by the Judgment of the Additional Sessions Judge delivered in Sessions Case No.92 of 2012, thereby convicting him for an offence punishable under Section 302 of IPC and sentencing him to undergo imprisonment for life.

2. Heard the counsel for the Applicant and perused the Application. The justification offered for condoning the delay is the factum of incarceration of the Applicant at the time

when the Judgment was pronounced and this created certain obstructions in his way of securing the legal assistance and, therefore, it is prayed that the delay be condoned, as the same is neither deliberate nor intentional and has occurred on account of circumstances, which were beyond his control.

3. We have perused the Application to find that the Applicant was incarcerated since 15/10/2022, when the NBW was issued and at the time of pronouncement of the Judgment on 19/06/2023, he was in jail. Being in jail itself created an inhibition on his part to seek immediate legal assistance, so that the Appeal could be filed within time.

Finding that delay is *bona fide* and was beyond the control of the Applicant, we deem it appropriate to condone the same.

Interim Application is made absolute in the aforesaid terms.

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4. Admit.
5. The learned A.P.P. waives notice on behalf of the State.
6. Call for Record & Proceedings.

(ASHISH S. CHAVAN, J.)

(BHARATI DANGRE, J.)