

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO. 537 OF 2021
IN CRIMINAL APPEAL ST. NO. 6053 OF 2021

(Ashok s/o Govardhan Yadav Vs. State of Maharashtra & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Smt. Meena Hiwase, Advocate for the applicant/
appellant.

Shri T.A. Mirza, A.P.P. for the non-applicant No.1.

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CORAM : V. M. DESHPANDE &
PUSHPA V. GANEDIWALA, JJ.
OCTOBER 12, 2021.

This is an application for condonation of delay for preferring the Appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2] Smt. Hiwase, learned counsel for the applicant/ appellant and Shri T.A. Mirza, learned Additional Public Prosecutor for non-applicant No.1/ State.

3] Notices were issued on this application on 21/09/2021. The office note shows that non-applicant No.2/ original complainant is served. However, nobody is appearing for the complainant.

4] The applicant is arrested in connection with Crime No. 593/2020 registered with the Police Station Gittikhadan of Nagpur for the offences punishable under Sections 366, 370, 376(2)(n) and 323 read with Section 34 of the Indian Penal Code, Sections 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 and Sections 3(1)(e) and 3(1)(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“**the Atrocities Act**”).

5] After his arrest, he moved an application under Section 439 of the Code of Criminal Procedure for grant of bail. The said application was registered as Misc. Criminal Case No. 3563/2020. The application stands rejected by the learned Judge of the Trial Court on 19/01/2021.

6] Being aggrieved by the rejection of the application for regular bail, the applicant has preferred this statutory Appeal under Section 14-A of the Atrocities Act. However, there is a delay of 140 days.

7] The delay is explained by the learned counsel not only in the application but also during her oral submissions.

8] The applicant is in jail.

9] Presently, we are not considering the case of the applicant on merits. Today, this Court is considering only whether an opportunity should be given to the applicant to file the Appeal to challenge the order passed by the learned Judge of the Trial Court rejecting his application.

10] After hearing both the learned counsel, we are of the view that the applicant has explained the delay properly. Hence, we pass the following order :

ORDER

i] The application is allowed.

ii] Delay in filing the statutory Appeal is hereby condoned.

iii] The office is directed to register the Appeal.

CRIMINAL APPEAL NO...../2021.

11] Heard Smt. Hiwase, learned counsel for the appellant.

12] Issue notice to the respondents, returnable after six weeks.

13] Shri T.A. Mirza, learned Additional Public Prosecutor, waives service for non-applicant No.1/ State.

JUDGE

JUDGE

Sumit