



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.1241/2023

IN CRIMINAL APPEAL ST. NO.9531/2023

Rakesh Rajkumar Panchabudhe (In Jail) .Vs. State of Maharashtra

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

Court's or Judge's orders

Mr. A. M. Balpande, Advocate for applicant.

Mr. N. B. Jawade, A.P.P. for non applicant.

CORAM : ANIL L. PANSARE, J.

DATE : 12.12.2023

Heard.

The applicant is seeking to condone the delay of 252 days in filing the appeal. He was in financial crisis. He could not appoint advocate, therefore, he sought legal aid, which has been provided to him now. The applicant could not collect documents because of restriction in movement.

In view of above and for the reasons stated in the application, the application is allowed. Delay is condoned. The appeal be registered.

The application is disposed of.

Criminal Appeal St. No. 9531/2023

Heard.

Admit. Call record and proceedings.

Learned A.P.P. waives service of notice for the respondent – State.

Registry to process the appeal for final hearing, in accordance with the Rules.

Criminal Application (APPA) St.No.9532/2023

Heard.

Issue notice to the non applicant, returnable on 05.01.2024.

Mr. Jawade, the learned APP waives service of notice for non applicant no.1-State.

The applicant shall delete the name of non applicant No.2-Victim from the array of parties in terms of order dated 10.11.2023 passed by this Court in Criminal Application (APPA) (ST) No.8955/2023 in Criminal Appeal (St) No. 8953/2023.

Issue notice of appraisal of the application seeking suspension of sentence, to the child's family through Police Station, Kardha, District Bhandara, in terms of the directions issued by the Division Bench of this Court, at Bombay, in the case of Arjun Kishanrao Malge V/s State of Maharashtra and others: reported in MANU/MH/1024/2021.

The concerned Police Officer shall only apprise the child's family of pendency of the appeal and application seeking suspension of sentence before this Court, as envisaged in the aforesaid judgment. It should be, thereafter, left to the desire of the child's family whether to appear before the Court or not. In other words, the concerned Police official shall not insist for presence of child or child's family before this Court.

An intimation be given to the child's family accordingly and a report of compliance be filed before the returnable date.

(Anil L. Pansare, J.)