

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1671 OF 2024
IN
CRIMINAL APPEAL (STAMP) NO.8749 OF 2024
WITH
CRIMINAL APPEAL (STAMP) NO.8749 OF 2024**

Sandeep Vaman Lagad	...Appellant/Applicant
vs.	
State of Maharashtra & Anr.	...Respondents

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Mr. Prashant Hagare, *for the Appellant/Applicant.*
Mr. Ashok R. Metkari, APP, *for Respondent No.1/State.*
Ms. Deepali Bagla, *appointed advocate for Respondent No.2.*

Ms. Renuka Bagde, ACP, IO and Mr. Prashant Dhekle, PSI, Goregaon Police Station present in Court.

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CORAM : SANDEEP V. MARNE, J.
DATE : 2 JULY 2024

P.C.:

1 This is an Appeal filed under section 14A of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging the order dated 26 September 2023 passed by Additional Sessions Judge, Dindoshi rejecting the Application for Anticipatory Bail in connection with Crime No.532 of 2023 registered with Goregaon Police Station for offences punishable under sections 354, 509 of the Indian Penal Code and sections 3(1)(w)(i) and (ii) of SC & ST Act.

2 I have heard Mr. Hagare, the learned counsel appearing for the Appellant, Ms. Bagla, the learned counsel appearing for Respondent No.2

who is appointed by the Court to represent Respondent No.2 and Mr. Metkari, the learned APP appearing for Respondent No.1/State.

3 It must be observed at the very outset that there has been considerable delay in filing the present Appeal. The impugned order was passed by the learned Additional Sessions Judge on 26 September 2023 and the present Appeal appears to have been filed on 7 Mach 2024. Perusal of the averments made in the Interim Application seeking condonation of delay would indicate that following justification is offered therein:

“3. The applicant states that the impugned judgment and order came to be passed on 26/09/2023. The applicant came to know about the rejection of application through his advocate who told the applicant that it required to challenge before this Hon'ble High Court. The applicant desirous to challenge the same applied for certified copy on 14.02.2024 and same was received on 29.02.2024. Therefore by deducting the appeal period, there is delay of days in filing the present Criminal appeal U/s. 14 A of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The applicant states that his Ld. Advocate in the trial court informed him about the impugned order after verifying the proceedings before the Hon'ble Sessions Court, Dindoshi and the certified copy received by applicant thereafter. The applicant was intended challenged the impugned order in this Hon'ble high court sought advice from the advocate of high Court. The applicant states that thereafter he was asked to apply for certified copy of other documents in the present case and other documents from the concerned police station. The applicant states that he is resident of Tal: Daund and could not instruct his advocate to file the appeal in this Hon'ble High Court and therefore the present delay has been caused, therefore the appeal could not be filed within the stipulated period of limitation. The applicant states that after obtaining the documents from the police station and from the Hon'ble Session Court he has approaching this Hon'ble High Court and filing this Criminal Appeal. Therefore the delay is caused in filing the present Criminal Appeal.”

4 In my view, there is absence of sufficient cause being pleaded in the application for condonation of delay. Considering the nature of relief that the

Appellant seeks, it was incumbent for him to file the present Appeal within the prescribed time. However it appears that the present Appeal is filed after almost six months from rejection of the Anticipatory Bail by the Sessions Judge on 26 September 2023.

5 Even if the delay was to be condoned, it appears that there are previous antecedents against the Appellant and the report of the Assistant Police Commissioner, Goregaon Divison, Mumbai dated 26 April 2024 would indicate that there are atleast three crimes registered against the Appellant at Daund, Rahuri (Ahamednagar) and Solapur Police Stations. The learned APP has submitted that the Appellant is a seasoned criminal and has been defrauding people by misusing his alleged status as Ex-serviceman. The FIR clearly reflects abuse of the Complainant with reference to her caste in presence of two unknown persons. Thus utterances in public view is *prima facie* established. Even on merits, therefore, I am not inclined to allow the present Appeal.

6 The Appellant has thus failed to make out sufficient cause for condonation of delay in filing the Appeal. The Interim Application is accordingly dismissed. Consequently, the Criminal Appeal is also dismissed.

(SANDEEP V. MARNE, J.)

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SUDARSHAN
RAJALINGAM
KATKAM
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