

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

CRIMINAL APPEAL (ST) NO. 15855 OF 2024

WITH

INTERIM APPLICATION NO. 3162 OF 2024

Sambhaji Vitthal Devkate

... Appellant/Applicant

Versus

The State of Maharashtra And Anr

... Respondents

Mr. Aditya R. Parmar *for the Appellant.*

Ms. Rashmi S. Tendulkar, *APP for Respondent No.1-State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 27 AUGUST 2024.

P.C. :

1) The Interim Application is filed seeking condonation of delay of 261 days in filing the Appeal for challenging the Order dated 1 August 2023 passed by the learned District Judge-2 and Additional Sessions Judge, Baramati. By Order dated 1 August 2023, the learned Additional Sessions Judge has rejected the Application filed by the Applicant for discharge under Section 227 of the Code of Criminal Procedure 1973.

2) Perusal of the averments in the Interim Application would indicate that following justification is put forth for seeking condonation of delay of 261 days.

"6.It is submitted by accused that the accused was not aware of the procedures and remedies available to him, therefore there is a delay of 261 days in filing an Appeal."

3) Thus, there is absolutely no justification for seeking condonation of inordinate delay of 261 days in filing the Appeal. Lack of knowledge about procedures and remedies available to the Applicant cannot be a reason for condoning inordinate delay of 261 days. The Applicant is advised by an Advocate who has appeared for him before the Trial Court for prosecuting the discharge application and therefore it cannot be contended that there is absolute lack of knowledge about procedure and remedies available to the Applicant. Even otherwise, the sessions case is registered in the year 2015 and has been pending for the last 9 long years.

4) Considering the facts and circumstances of the case, in my view, this is not a fit case for condonation of inordinate delay of 261 days.

5) The learned counsel for the Applicant would rely on Order passed by the Apex Court in ***Ghulam Rasool Khan and Others Vs. State of U. P. and Others*** Criminal Appeal No. 1000 of 2018 decided on 28 July 2022. In that order, the Apex Court has made reference to its judgment In Re : Provision of Section 14 (a) of the SC/ST Act (Prevention of Atrocities) Amendment Act, 2015. What is set aside by

the Apex Court is only the part of sub Section (3) of Section 14A, which prevents the Court from entertaining an Appeal on expiry period of 180 days. Thus, the Court is empowered to entertain the Appeal even if the delay exceeds 180 days. It therefore cannot be contended that no period of limitation is prescribed for filing Appeal under Section 14A(1) of the Act.

6) For condoning delay, necessary justification is required to be pleaded and proved before the Court. In the present case, the Applicant has failed to plead any justifiable reason for condonation of delay of 261 days. I am therefore not inclined to condone the delay in filing the Appeal. Interim Application is accordingly rejected. On account of rejection of Interim Application, nothing would survive in the Criminal Appeal which also stands disposed of.

[SANDEEP V. MARNE, J.]