



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

CRIMINAL APPLICATION (APPA) NO. 100/2024 IN
CRIMINAL APPEAL NO. 750/2023

Ashwin Jivan Khandave V/s State of Maharashtra and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. J.D. Bastian, counsel for the applicant/appellant.
Mrs. Sneha Dhote, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/01/2024.

1. By this application, the applicant/appellant is seeking condonation of delay which is caused in preferring the appeal under Section 14-A.
2. It is submitted by the learned counsel for the applicant that due to financial constraints, the applicant could not file the appeal within time. There is sufficient and reasonable cause for the condonation of delay and delay is not intentional one.
3. Learned APP strongly opposed the present application on the ground that the delay is not satisfactorily explained.
4. After hearing both the sides and on perusal of the application, the applicant has explained the delay by the reasonable and justifiable cause. It is well settled that while considering the delay application, liberal approach is

to be taken. In view of that, delay application deserves to be allowed. Accordingly, I pass the following order:

- a) The application for delay is allowed subject to the cost of Rs. 2000/- to be paid to the High Court Legal Services Sub-Committee, Nagpur.
- b) After depositing the cost, the appeal be registered.
- c) Issue notice to the non-applicant No.2, returnable after **two weeks**.
- d) Mrs. Sneha Dhote, learned APP waives service of notice on behalf of the non-applicant/State.

[URMILA JOSHI-PHALKE, J.]