



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

CRIMINAL APPLICATION (APPA) NO. 826 OF 2022  
IN  
CRIMINAL APPEAL (ST) NO. 6845 OF 2022

Pravin s/o Roshanlal Bisen

Vs.

State of Maharashtra, Thru. PSO Rawanwadi, Tah. & Dist. Gondia.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Mr. Sanket Bhalerao, Advocate for applicant.  
Mr. Amit Chutke, APP for non-applicant/State.

CORAM : SMT. VIBHA KANKANWADI, AND  
MRS. VRUSHALI V. JOSHI, JJ.

DATE : 10.07.2024

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Heard.

2. The present application has been filed for condonation of delay in filing the appeal. The applicant is the original accused who wants to challenge his conviction in Sessions Case No.129/2021 by the learned Sessions Judge, Gondia, on 01.02.2022 under Sections 376(2)(f)(m), 323 and 506 of the Indian Penal Code. The delay is of 113 days.

3. Issue notice to the non-applicant.
4. Mr. Chutke, learned APP waives service of notice on behalf of non-applicant/State.
5. Heard Mr. Bhalerao, learned counsel for applicants and Mr. Chutke, learned APP for non-applicant/State.
6. For the reasons stated in para No.2, the delay stands condoned. Application stands allowed and disposed of accordingly.
7. Registry to verify and register the appeal.

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Since the arguable points are made, the appeal stands admitted.

2. Perusal of the impugned judgment would show that the accused has been directed to pay compensation of Rs.1,00,000/- (Rs. One Lakh Only) to the victim under Section 357(3) of the Code of Criminal Procedure and therefore, she should be a necessary party, in view of the decision in ***Emperor Vs. Chunilal Bhagwanji, A.I.R. 29 (1942) (Bombay) 205(1).***

3. Hence, the appellant is directed to carry out amendment forthwith.

4. After carrying out the amendment, issue notice to the non-applicant No.2.

5. Notice of non-applicant No.2 is made returnable as well as the record and proceedings with paper-book is made returnable on **26.08.2024**.

(MRS. VRUSHALI V. JOSHI,J) (SMT. VIBHA KANKANWADI,J)