



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

CRIMINAL APPLICATION (APPA) NO. 756 OF 2024 IN
CRIMINAL APPEAL STAMP NO. 6294 OF 2024

Mohammad Faizan Sagir Ahmad Vs 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. C.S. Tamhane, counsel for applicant/appellant.

Mr. N.B. Jawade, APP for non-applicant/State.

Mr. A.B. Pande, counsel for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/11/2024.

1. By this application, the appellant is seeking condonation of delay, which is caused in preferring the appeal under Section 14-A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, as bail application filed by the present appellant is rejected by the Special Court.

2. It is submitted by learned counsel that the appellant came to be arrested in connection with the present crime on 01/08/2021, and since then he is behind bars. Though he filed an application for grant of regular bail, the same was rejected on 14/12/2022. As the appellant's financial condition is weak, he was not in a position to engage the counsel. Moreover, his parents were both informed, but they could not approach the counsel to prefer an appeal, and therefore, a delay is caused.

3. Learned APP and learned counsel for the respondent No. 2 strongly opposed the said application on

the ground that there is no sufficient and satisfactory reason for condonation of delay.

4. After hearing both sides and on perusal of the application, it reveals that the appellant has been behind bars since 01/08/2021 due to one of the other reasons. He could approach the counsel to prefer an appeal. There was nobody to look after his defence, and therefore an appeal is not filed within time. Considering the reasons mentioned in the application, which appear to be just and reasonable cause for condonation of the delay. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

a] The criminal application (APPA) No. 756/2024 is hereby allowed.

b] The delay of 263 days in filing the appeal is condoned.

CRIMINAL APPEAL NO. _____/2024

1. Criminal appeal be registered.
2. Learned APP waives service of notice on behalf of the respondent/State.
3. Learned appointed counsel in criminal application (APPA) No. 756/2024 to continue and shall file a reply within one week.
4. Stand over on 29/11/2024.

[URMILA JOSHI-PHALKE, J.]