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23.appa.772.2024

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

CRIMINAL APPLICATION (APPA) NO.772 OF 2024
IN
CRIMINAL APPEAL STAMP NO.6885 OF 2024

Kailas Gopal Nimkarde

Vs.

State of Maharashtra, Through Police Station Officer, Shivaji Nagar,
Khamgaon and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Anshula Paunikar Counsel h/f Mr. S. V. Sirpurkar, Counsel for the
applicant.

Mr. A. J. Ghokar, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 20/08/2024

1. By this application, the applicant is seeking condonation of delay which is caused in preferring the appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Considering the reason mentioned in the application that as the applicant is behind bar, there is nobody to look after towards his defence and after passing of the order by the learned Special Court, the applicant approached to the learned Special Court for obtaining the certified copy. After receipt of the certified copy, he could not approached to his Counsel to prefer an appeal and therefore, delay of 46 day is caused. The delay caused is for the reasonable and

justifiable reasons. In view of that prays for condonation of delay.

3. Learned APP though strongly opposed the said application submitted that the reasons are not satisfactory for condoning the delay.

4. After hearing the learned Counsel for the applicant and learned APP for the State, perused the recitals of the application, from which it reveals that the reasons mentioned in the application appears to be just and reasonable one. Moreover, liberal approach is required to be adopted while considering the delay application, in view of that delay of 46 days is caused is condoned.

5. Criminal Appeal be registered.

6. Criminal application is disposed of.

7. On registration of the appeal, learned APP waives service of notice for the State.

8. Issue notice to the respondent No.2 - victim, returnable after **two weeks**.

9. Respondent No.2 - Victim be intimated through Police Station Officer, Police Station, Shivaji Nagar, Khamgaon.

10. Matter be placed before the Court after **two weeks**.

(URMILA JOSHI-PHALKE, J.)