



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APPA) NO. 44 OF 2024

IN

CRIMINAL APPEAL (ST.) NO. 428 OF 2024

JAYA ARUN SHARMA

Vrs.

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

Shri R. U. Tambe, Advocate h/f Shri B. L. Borikar, Advocate for
applicant.
Shri V. A. Thakare, A. P. P. for respondent No.1.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 19/01/2024.

1. The application for 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 (for short, "the Act").

2. Learned counsel for the applicant submitted that the applicant was behind bar and there was nobody to look after the affairs to make arrangement for the defence and therefore, she could not approach to the counsel and could not file appeal. Therefore, delay is caused.

3. The applicant has preferred application for grant of bail before the Special Court under the Act. The same was rejected by the Trial Court and hence, the appeal is filed. However, there was delay of 133 days

which is not satisfactory and reasonable cause. In view of that, delay be condoned.

4. Learned APP strongly opposed the application and submitted that there was no reasonable cause for condonation of delay.

5. Having heard learned counsel for the appellant and perused the application, it reveals that as appellant is behind bar and there was nobody to look after. Therefore, to make arrangement for defence, she could not approach the Court and could not file appeal which appears to be reasonable cause. It is well settled law that while considering the application, lenient view be taken. In view of that, application deserves to be allowed. Delay of 133 days is caused. Appeal be registered.

6. On registration of the appeal, notice be issued to respondent No.2.

7. Shri V. A. Thakare, learned APP waives notice for respondent No.1.

8. The learned APP to intimate through Police Station Officer, Immamwada Police Station, Nagpur to respondent No.2.

9. Application is disposed of.

10. Stand over after two weeks.

[URMILA JOSHI-PHALKE, J.]