



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

CRIMINAL APPA NO.764.2024 DELAY IN
CRIMINAL APPEAL ST. NO. 6226 OF 2024

Gulab Jairam Kadnaik (in Jail)

.Vs.

The State of Maharashtra, thr. PSO, PS. Andhalgaon Dist. Bhandara

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Ms Sonali Khobragade, Advocate for the appellant.
Mr Suraj Hulke, APP for respondent/State.

CORAM : G.A. SANAP, J.
DATE : 14/08/2024

Heard learned Advocate for the parties.

2. This is an application for condonation of 664 days delay caused in filing an appeal against the judgment and order dated 13.07.2022 passed by the learned Special Judge, Bhandara, whereby, the learned Judge held the accused guilty of the offence punishable under Section 376-AB of the Indian Penal Code (for short, "I.P.C.") and sentenced him to suffer rigorous imprisonment for twenty years and to pay a fine of Rs.10,000/-, in default to further undergo rigorous imprisonment for two months.

3. The reasons for delay have been stated in the application. It is stated that on account of his poor

condition he could not file an appeal within time. The accused is in jail.

4. Learned APP submitted that considering the sentence of twenty years awarded in the matter, the Court may pass an appropriate order.

5. On going through the reasons stated in the application, I am of the view that the appellant/accused deserves an opportunity of hearing of his appeal on merits. Rejection of the application, in my view, would cause severe prejudice to the accused. As such, the application is allowed. The delay of 664 days caused in filing an appeal is condoned.

6. The appeal be registered.

7. The application stands disposed of, accordingly.

CRIMINAL APPEAL ST.NO.6226 OF 2024

1. **ADMIT.**

2. Learned APP waives service of notice on behalf of respondent/State.

3. Call for the record and proceedings.

CRI. APPLI.(APPA) ST. NO.6231/2024.

1. Heard.
2. Issue notice to the respondent.
3. Learned APP waives service of notice on behalf of respondent/State.
4. Four weeks' time is granted for filing reply.
5. Stand over after four weeks.

(G. A. SANAP, J.)

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