



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

CRIMINAL APPLICATION APPA NO.787 OF 2024 IN
CRIMINAL APPEAL ST NO.7007 OF 2024
JAHID KHAN @ MONU JAVED KHAN
VERSUS
THE STATE OF MAHARASHTRA

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

Court's or Judge's orders.

Shri M.N. Ali, Advocate for applicant/appellant
Ms Sneha Dhote, APP for the State
Shri. N.A. Vaidhya, Advocate for the respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27.09.2024

1. By this application, the applicant is seeking condonation delay which is caused in preferring the appeal under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. The learned counsel for the applicant submitted that the applicant is in prison and there was nobody to look after his defence. It is further submitted that the delay was appendage on account of the circumstance beyond the control of the applicant and therefore, there are reasonable cause and sufficient reasons for condonation the delay.
3. The learned APP and the learned counsel for the non-applicant No.2 strongly opposed the application on the ground that delay is not explained satisfactorily.

4. However, considering the reasons mentioned the application that the applicant was behind bar and there was nobody to look after his defence. The other family members are illiterate persons and not having adequate knowledge about the legal provisions and legal procedures and therefore, the delay is caused.

5. Considering the submission of the learned counsel for the applicant that the applicant has very good case on merits and it is well settled that the parties to be allowed to litigate their cause on merits and liberal approach is to be adopted by considering the delay application.

6. In view of that, the application for delay is allowed. The delay of 138 days is hereby condoned. The application is **disposed of**. The appeal be registered.

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7. On registration of appeal, the learned APP waives service of notice for the State. Shri Vaidhya, learned counsel also waives service of notice for the respondent No.2 and seeks time to file reply.

8. Stand over **after two weeks**.

JUDGE