



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 518 OF 2025
IN
CRIMINAL APPEAL (ST.) NO. 1349 OF 2025

Bhikan S/o. Ukhardu Bhil,
Age : 50 years, Occu. : Labourer,
R/o. Kamkheda, Tq. Sindkheda,
Dist. Dhule

... Applicant
(Orig. Accused)

Versus

The State of Maharashtra,
Through Police Station Officer,
Nardana Police Station,
Tq. Sindkheda, Dist. Dhule

... Respondent.

.....
Mr. K. R. Bhande, Advocate for Applicant.
Mr. S. B. Narwade, APP for Respondent - State.
.....

CORAM : ABHAY S. WAGHWASE, J.
DATED : 11th MARCH, 2025

ORDER :

1. Instant application is for condonation of delay of 509 days caused in filing the criminal appeal.

2. It is pointed out that, applicant was charge-sheeted and tried by learned Sessions Court, Dhule in Sessions Case No. 119 of 2021 for commission of offence punishable under sections 307, 504, 506 of Indian Penal Code and 37(1)(3) r/w 135 of Bombay Police Act. That, vide judgment and order dated 06.07.2023, applicant has been

convicted and sentenced to suffer 10 years imprisonment. That, applicant intends to challenge the said judgment and order of conviction, however, he could not do so within stipulated period of appeal. He took this court through the reasons of delay spelt out in paragraph Nos.1, 2 and 3 of the application and therefore in the interest of justice, he prays to condone the delay of 509 days caused in filing the appeal.

3. Learned APP strongly objected on the ground that delay has not been properly explained and therefore delay cannot be condoned.

4. After considering the submissions so advanced and on going through the papers, it seems that vide judgment and order dated 06.07.2023, learned Sessions Judge, Dhule convicted the applicant in Sessions Case No.119 of 2021 for offence punishable under section 307 of IPC and sentenced to suffer 10 years imprisonment and to pay fine. That, said judgment was intended to be questioned, however, he could not do so within stipulated period.

5. Considering the above and in view of reasons for not filing appeal within limitation are assigned in paragraph nos. 2 and 3 of the application and in the interest of justice and fair opportunity, application deserves to be allowed.

6. The application stands allowed and disposed of. Delay stands condoned.

7. Registry to verify and to take further steps.

(ABHAY S. WAGHWASE, J.)