



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1281 OF 2023

Vitthal Suryakant Salgude And Others

.. Petitioners

Versus

The State Of Maharashtra And Another

.. Respondents

Mr. Abhijit S. More, Advocate for the Petitioners.

Mr. S. B. Jadhav, APP for Respondent No. 1.

Mr. Satyajit B. Pawar, Advocate h/f Mr. M. S. Bhosale, Advocate
for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATE : 12th AUGUST, 2025.

PER COURT :-

. Heard learned advocate for the respective parties.

2. The petitioners have approached this Court challenging an order dated 07.04.2021 passed by the learned Additional Sessions Judge, Shrigonda in Criminal Delay Misc. Application No. 12/2019 thereby rejecting the said application. The petitioners had approached the said Court by filing an appeal to challenge the judgment and order passed by the learned J.M.F.C., Jamkhed dated 20.01.2012 whereby the application under Domestic Violence Act filed by the wife of the appellant/present petitioner No. 1 was sought to be challenged. The said application was filed

on 18.12.2018 i.e. after almost seven years. The petitioners, therefore filed an application for condonation of delay. The only reason stated in the application is that the petitioners happen to be poor agriculturists having no knowledge about the procedure of law and of the remedy of filing an appeal. It is further stated that, recently the petitioner met with his advocate and got the knowledge that appeal can be filed and it is thereafter the certified copies were applied. The learned Judge in his order observed that, no sufficient cause is shown to condone the delay and rejected the application by impugned order dated 07.04.2021.

3. The learned advocate for the petitioners forcefully argued that, the petitioners should have been given opportunity to contest an appeal on merits. The Court has dealt with very technical approach. Ultimately, fair justice demands sufficient opportunity. The right of the appeal is a valuable right of the parties. Merely because there is delay, the petitioners are deprived of such valuable right. He thus prays for allowing the writ petition.

4. The learned advocate Mr. Pawar for respondent No. 2 vehemently opposes the petition. He submits that, at any rate the delay of six years cannot be condoned. There is no case that, the

petitioners had no knowledge of the order passed by the learned J.M.F.C. at all. It is only a case that they had no knowledge of remedy of filing of an appeal. He thus prays for rejection of the petition.

5. Having heard the parties this Court does not find any substance in the application filed before the learned Sessions Judge. No reasons were stated except observed above. This Court is also not convinced that there is sufficient cause to condone the delay. There is nothing in the application to show that the applicant had no knowledge at all. The reason given is only that they were not aware of the procedure of filing of appeal. This Court finds that, the learned Appellate Court has rightly dealt with the application. No perversity or illegality is seen in the said order. Consequently, this Court does not find any merit in the writ petition. Criminal writ petition, therefore, stands dismissed.

(KISHORE C. SANT, J.)

P.S.B.