



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 143 OF 2025 IN
CRIMINAL APPEAL STAMP NO. 1212 OF 2025

Shabbir Shaha Mehaboob Shaha Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. K.G. Rathi, counsel for applicant/appellant.
Mr. VA. Thakre, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 11/02/2025.

1. By this application, the appellant is seeking condonation of delay which is caused in preferring the appeal against the judgment and order of sentence in Special (Child Act) Case No. 16/2021, passed by learned Additional Sessions Judge (Special Judge, POSCO Court), Wardha.

2. The appellant was convicted and sentenced to suffer R.I. for 20 years and pay fine of Rs. 25,000/- in default to suffer S.I. for one year for the offence punishable under Section 5 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

3. The learned counsel for the appellant submitted that the appellant is in jail and is financially constrained, which prevented him from approaching the counsel and filing an appeal on time. Consequently, a delay of 112 days occurred in preferring the criminal appeal.

4. Learned APP strongly opposed the said application on the ground that there is no just and satisfactory reason for condonation of delay.

5. After hearing both sides and on perusal of the application, it reveals that there is sufficient and reasonable cause for condonation of delay, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The criminal application is allowed.
- b] The delay of 112 days in filing the appeal is condoned.
- c] The Registry to register the appeal as well as the application for suspension of sentence and be placed before this Court on 28/02/2025.

[URMILA JOSHI-PHALKE, J.]