



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

CRIMINAL APPLICATION (APPA) NO.156 OF 2025
IN
CRIMINAL APPEAL STAMP NO.1386 OF 2025

Subhash @ Golu Deorao Pitekar

Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Hinganghat, Wardha and another

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

Court's or Judge's orders

Ms. Pranali Wasnik, Counsel h/f Mr. R. L. Kadu, Counsel for the
applicant/appellant.

Mr. C. A. Lokhande, APP for the respondent / State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/02/2025

1. By this application, the applicant is seeking condonation of delay which is caused in preferring the appeal against the Judgment and order of sentence passed in Special (POCSO) Case No.07/2017 which came to be decided on 08.05.2024.

2. Heard learned Counsel for the applicant, who submitted that the applicant is held guilty for the commission of the offence punishable under Section 376(2)(i) of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 20 years and pay fine of Rs.25,000/-, in default of payment of fine, shall undergo simple imprisonment for six months.

After passing of the judgment, immediately he was sent to the jail. He is labourer by profession. There is nobody to look after his defence and as he was suffering from the financial constraints, he could not approach to his Counsel and file an appeal, and therefore, a delay of 208 days is caused in preferring an appeal. She submitted that there is just and reasonable cause for condonation of delay and filing of the appeal is the right of the accused. In view of that, the delay be condoned and the appeal be rejected.

3. Learned APP strongly opposed the said application on the ground that there is no reasonable and justifiable reason for condonation of delay. In view of that, the application deserves to be rejected.

4. After hearing both sides and on perusal of the record, it reveals that there is a delay of 208 days in preferring an appeal. The applicant is behind bar and sentenced to suffer rigorous imprisonment for 20 years and to pay fine of Rs.25,000/-. He is further convicted for the offence punishable under Section 342 of the Indian Penal Code and sentenced to suffer one year rigorous imprisonment and fine of Rs.1,000/-, in default of fine simple imprisonment for one month.

5. In a criminal matter, where the life and liberty of a person is in question, one's right of appeal

has always been accepted and an appropriate steps must be taken to effectuate the said right. The consideration on account of delay and limitation ought not to negate the right of appeal for hearing in an accused. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- i) Criminal application is allowed.
- ii) Delay is condoned.
- iii) Appeal be registered.

(URMILA JOSHI-PHALKE, J.)