



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

CRIMINAL APPLICATION (APPA) NO.308 OF 2025
IN
CRIMINAL APPEAL STAMP NO.2404 OF 2025

Maroti s/o Laxman Nehare (In Jail) through his next friend wife Antakala
w/o Maroti Nehare
Vs.
State of Maharashtra, through Police Station Officer, Police Station, Seloo,
Wardha

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

Court's or Judge's orders

Mr. A. D. Patil, Counsel for the applicant.
Ms. S. S. Dhote, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 07/05/2025

1. By this application, the applicant is seeking condonation of delay which is caused in preferring the appeal against conviction.

2. Learned Counsel for the applicant submitted that the applicant is behind the bar and there is nobody to look after his defence. He is a layman and not aware about the legal provisions, and therefore, he could not approach to the Counsel to prefer an appeal. His financial condition is also weak i.e. one of the reasons for not approaching to the Counsel to prefer an appeal.

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

4. On hearing both the sides and on perusal of the recitals of the application. Admittedly, the appellant is convicted for the offence punishable under Section 304 part II of the Indian Penal Code. He is behind bar and due to his financial incapacity, he could not approach to the Counsel, and therefore appeal is not preferred. Admittedly, if delay is not condoned, his statutory right of preferring an appeal would be affected. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The delay is condoned.
- (iii) Appeal be registered.
- (iv) The application is disposed of.

CRIMINAL APPEAL STAMP NO.2404 OF 2025

- 1. After registration of the appeal, the record and proceeding be called.
- 2. Stand over after vacation.

(URMILA JOSHI-PHALKE, J.)