



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

CRIMINAL APPLICATION (APPA) NO. 406 OF 2025

IN

CRIMINAL APPEAL (ST) NO. 3732 OF 2025

Chinna @ Kisanlal S/o Ramlal Nishad

Vs.

State of Maharashtra, Thru. Its PSO, PS Ballarshah, Dist. Chandrapur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms. Sonali Khobragade, Advocate for appellant.

Mr. S.S. Dhote, APP for respondent/State.

CORAM : SMT. URMILA JOSHI PHALKE, J.

DATE : 06.05.2025

By this application, the appellant is seeking condonation of delay which is caused in preferring the appeal.

2. Learned counsel for the applicant submitted that as the appellant was in jail, he could not contact to his relatives and counsel. Moreover, he is a layman not having knowledge about the legal provisions and therefore, he has not preferred an appeal. Considering the reasons mentioned in the application, requested for condonation of delay.

3. Learned APP strongly opposed for the same on the ground that delay is not properly explained.

4. On hearing both the sides, and I have perusal of the application, it reveals that the appellant is prosecuted for the offence punishable under Sections 366-A, 376(2)(n) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and he is convicted of the said offences and punished with imprisonment of twenty years and pay fine of Rs.5,000/-. The appellant being a layman was not aware about the legal provisions. It is well settled law while considering the delay application, liberal approach is to be adopted, and if delay is not condoned, the statutory rights of the present appellant to prefer the appeal could be affected. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

- (i) The application is allowed.
- (ii) Delay of 340 days is hereby by condoned.

5. Appeal be registered accordingly.

6. Stand over after vacation.

(SMT. URMILA JOSHI PHALKE, J)