



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO. 424 OF 2025

Vinod Manohar More

-- **VERSUS** --

State of Maharashtra

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

Court's or Judge's orders.

Mr. C.Kulkarni, Advocate h/f Shri P.Kavishwar, Advocate for
the Appellant.

Mr. K.R. Lule, A.P.P. for the Respondent/State.

CORAM : ANIL L. PANSARE, AND
M.M. NERLIKAR, JJ.

DATE : SEPTEMBER 02, 2025.

CRIMINAL APPLICATION [APPA] NO. 492 OF 2025:-

The present application is being filed for
condonation of delay of 768 days in preferring the appeal
against the conviction.

2. The reasons set out in Paragraph Nos.3 and
4 make out a case to condone the delay. Paragraph Nos.3
and 4 reads thus:

*“3) That the applicant was arrested by the
respondent no 1 Police Station on 8/11/2019 in
connection with the crime no. 377/2019. Therefore,
since then, till now, the applicant is behind the bar.
That, prior to his arrest, the applicant used to work
as a driver. The financial condition of the applicant
was not sound. It is pertinent to note here that the
applicant is having one son, namely, Prithviraj and
one daughter, namely Roshni and his wife namely,
Vandana as his family members. At the time of*

arrest of the applicant, the son of the applicant was 16 years old & the daughter of the applicant was 13 years old. As the applicant was the sole bread earner of his family, his family members were facing serious financial crises. Further, the wife of the applicant is house wife. She used to do labor work to fulfill the daily needs of her family. Due to lack of monetary resources, it was difficult for the wife of the applicant to make arrangements for filing appeal. Further, she is having responsibility to feed her son and daughter. It has become very difficult for the family members of the applicant to survive.

4) That, due to arrest & further conviction of the applicant, the family members of the applicants were in deep sorrow. They were facing starvation. Further, the son of the applicant is taking education in S.A. Arts College at Akola & the daughter of the applicant is taking education S.A. College at Akola. That, the son of the applicant had started working at Ishwar Fruit Center at Akola as a daily wages worker from 2023. Hence, due to financial crises, the applicant as well as his family members were unable to prefer the present appeal within the specific time bound period. That, the son of the applicant has deposited the fine amount of Rs. 1,500/- before the Trial Court, Akola on 25/03/2025. The copy of the said receipt is annexed herewith as "Annexure A". That, after depositing the said fine amount, the son of the applicant has sought legal opinion from advocate and hence, sometime is consumed in arranging the necessary documents to file the appeal. That, the son of the applicant had preferred an application dated 24/04/2025 to Jail Authority at Akola for getting signature of the applicant on vakalatnama. At that time, the son of the applicant was informed by the jail Authority that the applicant is not in Akola Jail. Thereafter, the son of the applicant has

preferred an application at Amravati Jail and on 3/05/2025, the signature of applicant was obtained on vakalatnama. Hence, some time is consumed in preparation of filing an appeal. That, as per article 115 of limitation Act, 1963, the appeal against conviction is to be preferred within 60 days from the date of sentence or order. Therefore, applicant ought to have preferred an appeal till 31/03/2023. However, due to reasons stated above, the delay of 768 days caused for filing the present application & appeal is genuine and not deliberate. Therefore, the applicant and his family members were prevented by "sufficient cause" for filing an appeal."

3. For the above reasons, we are inclined to condone the delay of 768 days in filing the appeal against the Judgment dated 30/01/2023 passed by Extra Joint District Judge and Additional Sessions Judge, Akola in Special Child Protection Case No.04/2020. Accordingly, delay is **condoned**.

4. Registry shall register the appeal. The application is **allowed** and disposed of.

CRIMINAL APPEAL NO. 424 OF 2025:-

5. Heard.

6. **Admit.**

7. Learned A.PP waives service for the respondent/State.

8. Call for Record and Proceedings.

CRIMINAL APPLICATION NO. 493 OF 2025:-

9. Heard.

10. Issue notice to the Non-applicant/State returnable on 23/09/2025.

11. Learned A.P.P. waives service for the Non-applicant/State.

[M.M. NERLIKAR, J]

[ANIL.L. PANSARE, J]

PIYUSH MAHAJAN