



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

CRIMINAL APPLICATION [APPA] NO. 549/2025

IN

CRIMINAL APPEAL [STAMP] NO. 5309/2025

Dilip s/o Shyamrao Thakre

-- VERSUS --

State of Maharashtra and Another

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

Court's or Judge's orders.

Mr. A.M. Ved, Advocate for the Applicant.

Mr. B.M. Lonare, A.P.P. for the Non-Applicant No.1/State.

Mr. C.R. Thakur, Advocate for the Non-Applicant No.2.

CORAM : M.M. NERLIKAR, J.

DATE : SEPTEMBER 18, 2025.

This is an application seeking condonation of delay of 98 days in preferring the appeal against the acquittal of the respondent wherein offence is registered under Section 354(D) of the Indian Penal Code, 1860, and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, (POCSO Act).

2. The present respondent is acquitted from the said offences. The learned counsel for the applicant submits that the acquittal of the accused has caused mental trauma to them, and therefore, the father, i.e., present applicant is taking care of the

victim. It is further submitted that the delay in filing the appeal occurred due to lack of legal knowledge. The applicant is also focused on the victim's education and health, and therefore, was unable to file the appeal within the prescribed time. The delay, as explained, is not deliberate nor intentional, but purely circumstantial, and thus, the applicant prays to condone the delay.

3. On the other hand, the learned counsel for the respondent submits that the application does not mention any sufficient cause for the delay, and whatever the cause as shown in the application, is not sufficient. According to the respondent, there is no valid reason for the 98 days delay, and, therefore, the application should be rejected.

4. I have heard both the sides and considered their rival submissions. It is not in dispute that the victim is a minor and is currently pursuing her studies. Further, the mental trauma caused to victim as well as informant could be taken into consideration. It is further submitted that due to lack of legal knowledge, the appeal could not be filed within time. I find that the reasons mentioned in Paragraph No. 2 of the application is sufficient to condone the delay. Therefore, I find that the applicant

has shown sufficient cause for the delay in filing the appeal. Hence, the following order:

ORDER

- (i) Criminal Application is **allowed** and disposed of.
- (ii) The delay of 98 days in filing the appeal is hereby condoned.
- (iii) The Registry is directed to proceed further.

[M.M. NERLIKAR, J]