



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

CRIMINAL APPLICATION [APPA] NO. 606 OF 2025.

State of Maharashtra

-VERSUS-

Shri Kartikswami Maharaj and others.

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

Court's or Judge's Orders

Shri G.S. Umale, A.P.P. for the Appellant.
Shri R.P. Joshi, Advocate for Respondents.

CORAM : M.M. NERLIKAR, J.

DATE : NOVEMBER 07, 2025.

Heard Shri Umale, learned A.P.P. for the appellant State and
Shri Joshi, learned Counsel for the Respondent/accused.

2. Leave granted to correct, so far as the number of days of delay
is concerned. It appears that there is delay of 210 days, however, in the
application, the same is mentioned as 102 days. Necessary correction be
carried out forthwith.

3. The present application is filed seeking to condone delay of
210 days caused in preferring the appeal.

3. This matter is having a checkered history. A complaint was
filed by the Forest Department in the year 2002, however, judgment was

delivered in the year 2012, holding that the accused are not guilty and accordingly all of them came to be acquitted. Against this judgment of acquittal, the appellant Forest Department filed Criminal Appeal No.51/2017 along with an application for condonation of delay. The delay was condoned and Criminal Appeal No.51/2017 was heard. The said Appeal came to be decided on 18.10.2021, and it was ordered that the appeal memo be returned to the appellant for presenting the same before the appropriate Court as per law. In other words, it was held that the appeal is not maintainable, therefore, the appeal was returned to the appellant.

4. Against this order dated 18.10.2021, the Forest Department filed Criminal Writ Petition No.655/2022 before this Court and this Court vide order dated 28.04.2023, confirmed the order passed on 28.04.2021. However, this Court observed that “the State can avail the liberty reserved/granted by the learned Sessions Judge vide order dated 18.10.2021”. Thereafter, the present application along with the appeal came to be filed by the Forest Department challenging the judgment and order dated 27.07.2012.

5. The learned A.P.P. submits that considering the checkered history, the delay is required to be condoned and the appeal be heard on merits. He further submits that there was delay of 210 days in preferring the appeal. He has invited my attention to the contents of the application,

which narrates the entire history of the litigation. He further submits that after the dismissal of the Criminal Writ Petition, the Forest Department has sought legal opinion and after receiving the same, as well as the permission from the Law and Judiciary Department, present appeal along with the application for condonation of delay is filed.

6. On the other hand, the learned Counsel for the respondent has vehemently submitted that it is for the State to explain the delay in a proper manner. He further submits that there are no reasons mentioned in the application, and therefore, there is no sufficient cause shown in the application for condonation of delay. He has invited my attention to the findings recorded by the learned Trial Court, and has accordingly prayed to reject the application for condonation of delay.

7. Upon hearing the parties, it appears that the complaint is filed in the year 2002, whereas the judgment is delivered in the year 2012. Thereafter, it further appears that the Appeal No.51/2017, was filed along with an application for condonation of delay. The delay was condoned, and accordingly the appeal came to be registered and heard. The respondent has raised a preliminary objection in respect of maintainability of the appeal and accordingly after hearing, by judgment and order dated 18.10.2021 the Appellate Court held that the appeal was not maintainable, and therefore, the appeal memo was returned to the department, against which order, the department has preferred Writ

Petition No.655/2022, wherein the order passed by the Sessions Judge dated 18.10.2021 was confirmed and Writ Petition was accordingly dismissed. However, liberty was granted to the appellant as stated above.

8. Considering this checkered history and the reasons set out in paragraph nos.3,4, 10 and 11, by which the department has tendered an explanation for delay, I deem it appropriate to condone the delay of 210 days in filing Criminal Appeal, since I am satisfied that the delay is not intentional or deliberate. Hence, the following order.

ORDER

[i] Criminal Application No.606/2025 is allowed and disposed of. The delay of 210 days in filing appeal is hereby condoned. Office to register the application for leave.

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Criminal Application (Leave) _____/2025.

Heard.

2. Issue notice to the non-applicants, returnable on 14.11.2025. Learned Counsel appearing for the non-applicants (excluding dead non-applicants) waive notice.

JUDGE