



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

Criminal Application (APPA) No. 714 of 2025

in

Criminal Appeal Stamp No. 7023 of 2025

Niranjan S/o Purushottam Chaware

Versus

The State of Maharashtra through Officer-In-Charge of Police Station
Arjuni / Morgaon, Tahsil Arjuni, Morgaon, Dist. Gondia

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.G.Karmarkar, Advocate for the applicant.

Shri S.S.Hulke, APP for the respondent/State.

Shri D.P.Singh, Advocate for the respondent no.2.

CORAM : NIVEDITA P. MEHTA, J.

DATED : 30th SEPTEMBER, 2025.

The applicant has preferred this appeal assailing the judgment dated 29th April, 2025 passed by the learned Sessions Judge, Gondia in Session Case No. 23 of 2018, thereby convicting the applicant under Sections 376(2)(1) and 450 of the Indian Penal Code.

2. The present application is filed seeking condonation of delay of 381 days in preferring the appeal against the said sentence.

3. The learned counsel for the applicant submits that relatives of the applicant were not aware about the transfer of the applicant from Bhandara jail to Nagpur Jail, therefore could not consult any counsel as regards to legal rights applicable to the applicant. After consulting with the counsel, applicant came to know about his legal rights, therefore, applicant preferred the present appeal. Moreover, it is submitted that the delay is not deliberate or intentional, but due to the situation beyond the control of the applicant, he could not file the appeal on time. Accordingly, he prays to allow the application for condonation of delay.

4. Per contra, learned Additional Public Prosecutor and learned counsel for the respondent no.2 strongly opposed the application and submitted that no sufficient reasons are demonstrated in the application of condonation of delay and hence the same is liable to be rejected.

5. Having considered the submissions, this Court is of the opinion that the explanation offered by the applicant is sufficient to condone the delay. Accordingly, the delay of 381 days is condoned in filing the appeal. Office is directed to register the appeal.

6. Criminal application is disposed of.

Criminal Application for suspension of sentence.

Issue notice to the respondents, returnable on **10th October, 2025.**

2. Shri Hulke, learned Addl. Public Prosecutor waives service of notice on behalf of the respondent no.1/State and Shri Singh, learned counsel waives service of notice on behalf of the respondent no.2

3. Learned counsel for the respondent no.2 seeks one week time to file reply.

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Heard.

2. **ADMIT.**

3. Shri Hulke, learned Addl. Public Prosecutor waives service of notice on behalf of the respondent no.1/State and Shri Singh, learned counsel waives service of notice on behalf of the respondent no.2

4. Call record and proceedings.

5. Registry is directed to prepare the paper book.

[NIVEDITA P. MEHTA, J.]