



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

CRIMINAL APPLICATION NO. 778 OF 2025
IN CRIMINAL APPEAL NO. ST. NO. 7730 OF 2025
(Mamlesh s/o Kanhaiyalal Chakravarti Vs. 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. G.S. Umale, A.P.P. for the non-applicant/respondent/State.

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CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.
SEPTEMBER 16, 2025

None present for the applicant/appellant.

2] We have perused the application. The applicant is seeking to condone delay of 264 days in filing appeal against the judgment and order dated 5/6/2024 passed by the Additional Sessions Judge - 6, Nagpur, in Sessions Case No. 426/2018. The applicant has been convicted for the offence punishable under Sections 376(1), 376(2)(j)(l)and(m) and Section 307 of the Indian Penal Code, 1860, and sentenced to suffer rigorous imprisonment for life.

3] The delay has occurred because the applicant is in jail and has restrictions on movements. The certified copy was received on 13/11/2024. The applicant has no means to appoint Advocate of his choice and, therefore, he has taken help of the Legal Services Sub- Committee, Nagpur. The Advocate has been appointed, and the appeal is filed. This is how the delay has been explained.

4] As such, learned A.P.P. submits that the delay has been not properly explained, however, it is evident

that the applicant has some restrictions on movements and could not appoint Advocate for want of funds. The delay is accordingly justified.

5] The application is allowed, delay is condoned.

6] We must note here that the Legal Services Sub-Committee has appointed Mr. A.S. Gadmade, Advocate, to provide legal aid to the applicant. He is absent. Thus, it appears that the Counsel failed to understand the importance of the legal aid to be extended to the needy prisoners. We, accordingly, discharge Mr. A.S. Gadmade, from appearance for the applicant.

7] The Legal Services Sub-Committee, Nagpur, shall appoint another Advocate to represent the applicant/appellant. The Legal Services Sub-Committee shall also consider removal of the name of appointed Advocate from legal aid panel, for his failure to extend legal aid in terms of the Legal Services Authorities Act, 1987.

CRIMINAL APPEAL ST. NO. 7730/2025

8] Perused.

9] Admit.

10] The learned A.P.P. waives notice for the respondent/State.

11] Call R & P.

(JUDGE)

(JUDGE)

LATER ON

12] Mr. A.S. Gadmade, learned Counsel, appointed to represent the applicant/appellant, is present.

He submits that his uncle expired yesterday and, thus, he was busy in performing post death rituals and, therefore, he could not attend the matter, when called.

13] Considering the difficulty faced by the Counsel, we recall the order passed in the first session to the extent of discharging him from appearance for the applicant/appellant, as also for appointing another Advocate and the order directing the Legal Services Sub-Committee to consider removal of his name from the legal aid panel. Rest of the order stands intact.

(JUDGE)

(JUDGE)

Sumit