



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

Criminal Application (APPA) No. 871 of 2025

in

Criminal Appeal Stamp No. 8837 of 2025

Maroti Bhimrao Marbade and another

Versus

The State of Maharashtra through Police Station Officer, Police Station
Deoli, Tah. Deoli, Dist. Wardha

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

Court's or Judge's Order

Shri A.S.Shukla, Advocate for the applicant.

Ms. S.N.Thakur, APP for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATED : 14th OCTOBER, 2025.

The applicants have preferred the present appeal challenging the judgment dated 28th May 2025 passed by the learned Additional Sessions Judge (Special POCSO Court), Wardha in Special (Child) Act Case No. 25 of 2022, thereby convicting them for offences punishable under Sections 366-A, 342, 506 read with Section 34, 376(2)(n)(j), 376(3) of the Indian Penal Code and under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. The present application is filed seeking condonation of delay of 73 days in preferring the appeal against the said conviction and sentence.

3. Learned counsel for the applicants submits that the applicants were in judicial custody and, due to financial constraints, were unable to take timely recourse to legal remedies. It is further submitted that the delay is neither deliberate nor intentional, but occasioned by circumstances beyond the control of the applicants. Hence, it is prayed that the delay be condoned in the interest of justice.

4. Per contra, the learned Additional Public Prosecutor has opposed the application, contending that no sufficient cause has been made out to warrant condonation of delay and, therefore, the application is liable to be rejected.

5. Having considered the rival submissions and upon perusal of the record, this Court is of the considered opinion that the explanation offered by the applicants constitutes sufficient cause for condonation of delay. Accordingly, the delay of 73 days in filing the appeal is condoned.

6. The office is directed to register the appeal. The criminal application stands disposed of accordingly.

[NIVEDITA P. MEHTA, J.]