

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

**CRIMINAL APPLICATION (APPA) NO.897 OF 2025**

**IN**

**CRIMINAL APPEAL (ST) NO.8941 OF 2025**

[James @ Tambi Kelmant @ Bablu Gabrel ..vs.. State of Maharashtra]

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

*Court's or Judge's order*

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Shri. Kunal S. Dhoble, Adv. h/f Mr Raju L. Kadu, Advocate for Applicant/Appellant.  
Shri. H. R. Dhumale, Addl. P P for Respondent/State.

**CORAM : ANIL L. PANSARE AND RAJ D. WAKODE, JJ.**

**DATE : 1<sup>st</sup> DECEMBER, 2025.**

1. Heard Shri. Kunal S. Dhoble holding for Mr. Raju L. Kadu, learned counsel appearing for the applicant/appellant.

2. The present application has been filed by the applicant praying for condonation of delay of 2132 days caused in filing the present criminal appeal.

3. In view of the above, issue notice to the respondent, returnable forthwith. Shri. H. R. Dhumale, learned Additional Public Prosecutor, waives service of notice on behalf of respondent/State.

4. The present applicant has filed the criminal appeal under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking challenge to the impugned judgment dated 17.09.2019 passed by the learned Additional Sessions Judge, Nagpur in Sessions Trial No.430 of 2015, wherein the present appellant has been convicted by the learned Trial Court for the offences punishable under Section 302 read with Section 149 and Sections 143, 147 and 148 of the Indian Penal Code, 1860.

5. Shri. Dhoble holding for Shri. Kadu, learned counsel for applicant submitted that there is delay of 2132 days caused in filing the present criminal appeal. The aforesaid delay is not intentional but has occurred due to the genuine and bona fide reasons as mentioned in para 5 of the application and hence, the present application deserves to be allowed in the interest of justice and the delay needs to be condoned.

6. Shri. H. R. Dhumale, learned Additional Public Prosecutor for respondent/State strongly opposed the present application and contended that there is a huge delay of 2132 days in filing the present appeal. Moreover, the applicant has not properly explained the aforesaid delay and hence, the present application deserves to be rejected.

7. We have heard both the learned counsels appearing for the respective parties and perused the application for condonation of delay.

8. The applicant is a labour by profession. He belongs to economically weaker section of the society. It is specifically averred in the application that the applicant is the only earning member in his family and hence, after his arrest, there is no source of earning and income to his family members and thus, the family is suffering from financial crisis. The applicant was arrested on 27.06.2015 and since then, he is in jail. Thus, there are restrictions on his movement since last ten years and hence, the applicant has faced difficulties in procuring the document and engaging the counsel for filing the present appeal.

9. In view of the above, we are of the considered opinion that the applicant has a sufficient cause for explaining the delay in filing the present criminal appeal. We, therefore, deem it appropriate to condone the delay. Accordingly, the application is allowed. The delay of 2132 days caused in filing the present criminal appeal is hereby condoned. The criminal appeal be registered and numbered accordingly.

10. The criminal application is disposed of in the above said terms.

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11. Heard.

12. **Admit.**

13. Call for record and proceedings.

14. Shri. H. R. Dhumale, learned Additional Public Prosecutor, waives service of notice for respondent/State.

**(RAJ D. WAKODE, J.)**

**(ANIL L. PANSARE, J.)**