



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

CRIMINAL APPLICATION (APPA) NO. 954 OF 2025

IN

CRIMINAL APPEAL (STAMP) NO. 9869 OF 2025

(Prakash s/o Devidas Khaparde ..vs.. The State of Maharashtra, through PSO, PS Jaripatka, Nagpur)

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

Court's or Judge's orders

Mrs. Sonali Saware, Counsel (appointed) for the applicant/appellant,
Ms. H.N. Prabhu, Addl.P.P. for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATE : 19-11-2025

The present application has been filed seeking condonation of delay of 233 days in filing the appeal. The applicant has assailed the judgment and order dated 06-12-2024 passed by the learned Additional Sessions Judge-12, Nagpur, in Sessions Case No.61/2023.

2. The learned Counsel for the applicant/appellant submits that the applicant, being in incarceration, was not aware of the legal remedies available to him against the conviction awarded. It is further submitted that the applicant, being a poor person having no source of income, was unable to engage a private counsel to file the present appeal. Consequently, the applicant requested that he be represented through legal aid. The High Court Legal Services Sub-Committee, Nagpur accordingly appointed Mrs. Sonali Saware, learned Counsel, to represent the applicant and to file the appeal. It is submitted that the time consumed in completing these formalities was neither deliberate nor intentional. Hence, the delay in filing the appeal be condoned.

3. Per contra, the learned Additional Public Prosecutor has opposed the application, contending that the grounds stated do not constitute sufficient cause for condoning the delay.

4. Having considered the submissions advanced by the learned Counsel for the applicant and the learned Additional Public Prosecutor for the respondent, and upon perusal of the record, this Court is of the view that sufficient cause has been made out for the delay in filing the appeal. The reasons assigned by the applicant appear to be satisfactorily explained. Accordingly, the delay of 233 days in filing the appeal is condoned. The application is disposed of. The appeal be registered.

Criminal Appeal Stamp No. 9869/2025.

Heard.

2. **Admit.**

3. Call record and proceedings.

4. Ms. H.N. Prabhu, learned Additional Public Prosecutor waives service of notice for the respondent/State.

5. The learned Counsel for the appellant is permitted to add victim in the array of the respondent. The necessary amendment may be carried out forthwith.

Criminal Application (Stamp) No. 9871/2025

The applicant has preferred this criminal application under Section 430 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for suspension of sentence and grant of bail.

2. Issue notice to the respondents, returnable on 09-12-2025.

3. Ms. H.N. Prabhu, learned Additional Public Prosecutor waives service of notice for the respondent/State.

(NIVEDITA P. MEHTA, J.)

adgokar