



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

CRIMINAL APPLICATION (APPA) NO.61 OF 2025
IN
CRIMINAL APPEAL STAMP NO.322 OF 2025

Yogesh Kamaldeo Nade

Vs.

State of Maharashtra, through Police Station Ajani, Nagpur, District
Nagpur and another

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

Court's or Judge's orders

Mr. P. A. Lohambare, Counsel for the applicant/appellant.
Mr. V.A. Thakare, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/01/2025

1. By this application, the appellant is seeking condonation of delay which is caused in preferring the appeal.

2. As per the contention of the applicant that he was prosecuted for the offence punishable under Sections 363, 376(2)(n), 504, 506 and 323 of the Indian Penal Code and under Sections 4 and 5 of the Protection of Children from the Sexual Offences Act. After appreciating the evidence, he is convicted by the learned Special Court on 12.04.2024. As the appellant/accused was behind the bar, he could not engage the Counsel to prefer an appeal. He was not in a position to arrange or engage the Counsel. His parents are also poor, marginalized individuals who

are not aware about the legal position and therefore, he could not file the appeal. Therefore, delay of 213 days is caused in preferring the appeal.

3. Learned APP strongly opposed the said application on the ground that there is no sufficient and reasonable cause for the contention of delay.

4. After hearing both sides and on perusal of the reasons mentioned in the application, it appears that as the appellant was behind the bar and could not engage the Counsel and therefore, his appeal is not preferred within time, it appears to be sufficient and reasonable cause for condonation of delay. In view of that, the application deserves to be allowed. The delay of 213 days is hereby condoned.

5. Registry to register the appeal along with the application for suspension of sentence.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)