



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

CRIMINAL APPEAL NO. 446/2025

**Arun s/o Faguwa Sindram Vs. The State of Maharashtra Through
Police Station Officer, Police Station Kurkheda**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. D.R. Galande, Advocate for Applicant / appellant
Ms. S.N. Thakur, APP for Respondent

CORAM: NIVEDITA P. MEHTA, J.

DATED : 19th SEPTEMBER, 2025

CRIMINAL APPLICATION (APPA) NO.388/2025

1. The applicant has preferred this appeal assailing the order passed by the learned District and Sessions Judge, Gadchiroli in Sessions Case No. 13/2019, convicting the applicant under Sections 380, 353 and 506 of the Indian Penal Code.
2. The present application is filed seeking condonation of delay of 546 days in preferring the appeal against the said sentence.
3. The learned counsel for the applicant submits that the applicant was illiterate and was not aware of the legal procedure. It is only after the earlier counsel informed the applicant about his rights, the applicant preferred the appeal. Moreover, it is submitted that the delay is not deliberate or intentional, but due to the situation beyond the control of the applicant. If delay is not condoned, the applicant would suffer irreparable loss.

4. Per contra, learned Additional Public Prosecutor strongly opposed the application and submitted that no sufficient reasons are demonstrated in the application of condonation of delay and hence the same is liable to be rejected.

5. Having considered the submissions, this Court is of the opinion that the explanation offered by the applicant is sufficient to condone the delay. Accordingly, the delay of 546 days is condoned in filing the appeal. The application is allowed.

6. Appeal be registered.

CRIMINAL APPLICATION (APPA) NO. 769/2025

1. The applicant has filed the present application for suspension of sentence under Section 389(1) of the Code of Criminal Procedure. The applicant has preferred this appeal assailing the order passed by the learned District and Sessions Judge, Gadchiroli in Sessions Case No. 13/2019, convicting the applicant under Sections 380, 363 and 506 of the Indian Penal Code.

2. The learned counsel for the applicant submits that the applicant was illiterate and was not aware of the legal procedure. It is only after the earlier counsel informed the applicant about his rights, the applicant preferred the appeal.

3. The learned counsel for the applicant submits that he has a fair chance to succeed in the appeal and the applicant was on bail during the trial and has not

misused his liberty so granted. The learned counsel for the applicant submits that there are no criminal antecedents.

4. The application is strongly opposed by the learned APP and contended that if the sentence is suspended the possibility of the applicant misusing liberty granted cannot be ruled out.

5. Having considered the submissions of both the sides, nature of offence, period of sentence and the fact that the appeal is likely to take time for final hearing. This Court is of the opinion that it is a fit case to grant application for suspension of sentence. Accordingly sentence imposed upon the applicant by the Sessions Court, is suspended during the pendency of the appeal on the applicant furnishing solvent surety of Rs.50,000/- and PR bond of like amount.

6. The applicant shall attend the concerned Police Station on every 2nd and 4th Saturday of each month and also furnish address proof and mobile number to the concerned Police Station.

CRIMINAL APPEAL STAMP NO. 3244/2025

Heard.

ADMIT.

Call record and proceedings.

Registry is directed to prepare the paper book.

(NIVEDITA P. MEHTA, J.)