

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

CRIMINAL APPLICATION (APPA) NO. 781/2025

IN

CRIMINAL APPEAL ST. NO. 7831/2025

**Trambak Shamrao Atram Vs. State of Maharashtra, through its Police
Station Pandharkawada, Tah. Kelapur**

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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Ms. Parita Lakhani, Adv. h/f Mr. M.P. Kariya, Advocate for Applicant
Ms. S.N. Thakur, APP for Respondent No.1

CORAM: NIVEDITA P. MEHTA, J.

DATED : 16th SEPTEMBER, 2025

1. The applicant has filed the present application seeking condonation of delay in filing appeal against the judgment and order of the Special Judge, Kelapur in Sessions Case No. 25/2013. The applicant is convicted and sentenced to suffer rigorous imprisonment for 7 years for the offences punishable under Sections 354, 509, 511 r/w 376, 451 of the Indian Penal Code and under Section 10 of the POCSO Act and to pay fine of Rs.10,000/-. The applicant contends that due to his financial constraints, coupled with his incarceration as a result of the conviction, he was unable to make the necessary arrangements to file appeal within the prescribed time limit. The applicant further submits his inability to do so was not intentional but due to his circumstances.

2. The learned Additional Public Prosecutor has strongly opposed the application on the ground that there are no justifiable reasons mentioned in the said application.

3. I have gone through the application and noted that just and sufficient reasons are demonstrated in the application. Moreover, if the delay is not condoned the very purpose of preferring the appeal would be frustrated. In view of the said position, the delay of 167 days in filing the appeal is condoned. Appeal be registered. On registration of the appeal, issue notice to respondents, returnable on 07.10.2025.

4. The learned counsel for the applicant to add the victim as party respondent.

5. Necessary amendment be carried out within one week from today.

6. The learned Additional Public Prosecutor waives service of notice on behalf of respondent / State.

7. List on 07.10.2025.

(NIVEDITA P. MEHTA, J.)