



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

CRIMINAL APPLICATION (APPA) NO. 881/2025

&

CRIMINAL APPLICATION (APPA) NO. 893 /2025

IN

CRIMINAL APPEAL STAMP NO. 8950/2025

**Satish s/o Tukaram Joge Vs. State of Maharashtra, through, Police Station Officer,
Police Station Sindi (Railway), Tah. Seloo District Wardha and another**

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. HN. Lapalikar, Advocate (Appointed) for Applicant
Mr. A.R. Chutke, APP for Respondent

CORAM: NIVEDITA P. MEHTA, J.

DATED : 15th OCTOBER, 2025

The present application has been preferred under Section 430 of the Bhartiya Nagrik Suraksha Sanhita, 2023, seeking suspension of sentence and grant of bail.

2. The applicant has been convicted by the learned Additional Sessions Judge, Wardha, in Special (Ch.Act) Case No. 15/2017 vide judgment and order dated 03.01.2024 for the following offences:

Under Section 376(2)(n) of the Indian Penal Code (IPC): Sentenced to undergo rigorous imprisonment for a term of 10 years and to pay a fine of ₹5,000/-, in default whereof, to undergo simple imprisonment for six months.

Under Section 363 of the IPC: Sentenced to undergo rigorous imprisonment for two years and to pay a fine

of ₹2,000/-, in default whereof, to undergo simple imprisonment for two months.

Under Section 366 of the IPC: Sentenced to undergo rigorous imprisonment for five years and to pay a fine of ₹5,000/-, in default whereof, to undergo simple imprisonment for five months.

In view of Section 42 of the Protection of Children from Sexual Offences Act, 2012, no separate sentence has been awarded under Section 4 of the POCSO Act, as the punishment under Section 376(2) IPC is of greater severity.

3. The learned counsel for the applicant submits that due to the applicant's incarceration and lack of knowledge of legal remedies, the appeal could not be filed within the prescribed period. The applicant was unable to engage legal counsel due to financial constraints and was unaware of the procedural remedies available to him. He eventually approached the High Court Legal Aid Sub-Committee, Nagpur, which appointed counsel to represent him. After obtaining the necessary documents, the counsel preferred the appeal, resulting in a delay of 546 days in filing the same. Accordingly, a prayer has been made for condonation of the said delay.

4. The learned Additional Public Prosecutor has opposed the application, contending that no sufficient or satisfactory explanation has been provided to

justify the inordinate delay, and hence the application deserves to be rejected.

5. Upon perusal of the application and after hearing both sides, this Court is of the view that the applicant has demonstrated sufficient cause for the delay in filing the appeal. The reasons assigned, particularly relating to his custodial status, lack of legal knowledge, and subsequent representation through legal aid, are found to be genuine and bona fide.

6. In the interest of justice, therefore, the application for condonation of delay is allowed. The delay of 546 days in filing the appeal is condoned.

The Registry is directed to register the appeal accordingly.

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Heard.

ADMIT.

Call for record and proceedings.

Learned Additional Public Prosecutor waives service of notice for respondent / State.

Issue notice to the respondents in Criminal Application for suspension of notice, returnable on 11.11.2025.

The learned Additional Public Prosecutor
waives service of notice for respondent No.1.

(NIVEDITA P. MEHTA, J.)

MP Deshpande