



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

CRIMINAL APPLICATION (APPA) NO.895/2025
IN
CRIMINAL APPEAL STAMP NO. 9012/2025

**Rahul S/o Raju Tadas Vs. State of Maharashtra Through Police Station
Officer, Police Station Imamwada, Nagpur 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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Ms. Kirti Deshpande, Advocate for Applicant
Ms. S.N. Thakur, APP for Respondent No.1

CORAM: NIVEDITA P. MEHTA, J.

DATED : 17th OCTOBER, 2025

1. The applicant has filed the present application seeking condonation of delay of 120 days in preferring the appeal against the judgment and order of conviction dated 02.04.2025 passed by the learned Extra Joint District Judge and Additional Sessions Judge, Nagpur, in Special Criminal (Child) Case No. 290/2021.

2. The learned counsel for the applicant submits that the delay in filing the appeal is neither willful nor deliberate. It is contended that the applicant, being a layperson, was unaware of the legal remedies available to him. Only after obtaining legal advice, he decided to prefer an appeal. However, due to financial constraints, he was unable to file the appeal within the prescribed period.

3. Per contra, the learned Additional Public Prosecutor opposes the application, submitting that no sufficient cause has been made out to justify the delay and hence prays for its rejection.

4. Upon hearing the submissions of both parties and considering the reasons cited by the applicant, this Court is satisfied that sufficient cause has been made out for the delay. Accordingly, the delay of 120 days in preferring the appeal is condoned.

Registrar (Judicial) is directed to register the appeal.

After registration of the appeal,

ADMIT.

Call for record and proceedings from the trial Court.

Learned Additional Public Prosecutor waives service of notice on behalf of Respondent No.1 / State.

List the appeal for further consideration on 18.11.2025.

CRIMINAL APPLICATION (APPA) NO. 903 OF 2025.

The applicant has preferred the present application under Section 430 of the Bhartiya Nagrik Suraksha Sanhita, 2023, seeking suspension of sentence during the pendency of the appeal.

2. The applicant was convicted by the learned Extra Joint District Judge and Additional Sessions Judge, Nagpur, in Special Criminal (Child) Case No. 290/2021, vide judgment and order dated 02.04.2025, for the following offences:

Section 392 read with Section 34 of the Indian Penal Code: Sentenced to undergo Rigorous Imprisonment for five years and to pay a fine of Rs. 5,000/-, in default whereof to undergo Rigorous Imprisonment for six months.

Section 506 of the Indian Penal Code:

Sentenced to undergo Rigorous Imprisonment for one year and to pay a fine of Rs. 2,000/-, in default whereof to undergo Rigorous Imprisonment for one month.

3. It is submitted by the learned counsel for the applicant that the applicant, who was arrayed as Accused No.3, was not involved in any sexual offence and was, in fact, found by the trial Court to have not been present at the scene of the offence. The conviction is based on the alleged extortion of Rs. 300/-, despite the said findings. It is further submitted that a Co-ordinate Bench of this Court has already suspended the sentence of Accused Nos. 1 and 2 in Criminal Application (APPA) No. 371/2025, and therefore, similar relief ought to be granted to the present applicant.

4. The learned APP for the State submits that in view of the parity created by the order of the Co-ordinate Bench, the same benefit may be extended to the present applicant.

5. In view of the submissions and the fact that Accused Nos. 1 and 2 have already been granted suspension of sentence, this Court finds it just and proper to extend the same benefit to the present applicant.

ORDER

- i. Criminal Application is allowed.
- ii. The execution of sentence imposed in Special Criminal (Child) Case No. 290/2021 by the learned Extra Joint District Judge and Additional Sessions Judge, Nagpur, is hereby suspended pending final disposal of the appeal.
- iii. The applicant, Rahul S/o Raju Tadas, shall be released on bail, upon executing a Personal Recognizance Bond of Rs. 50,000/- with one solvent surety in the like amount, to the satisfaction of the trial Court.
- iv. The applicant shall attend the Special Court on the 5th day of every calendar month, i.e., before the Court of the Extra Joint District Judge and Additional Sessions Judge (Special Judge, POCSO Court), Nagpur, until final disposal of the appeal.

v. The applicant shall furnish his local residential address along with valid address proof before the Special Court and shall promptly inform the Court of any change in address.

(NIVEDITA P. MEHTA, J.)

MP Deshpande