



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

CRIMINAL APPLICATION (APPA) NO.944/2025
IN
CRIMINAL APPEAL STAMP NO.9766/2025

**Sukhlal s/o Yashwant Ghasale Vs. The State of Maharashtra through
its Police Station Officer, PS Deori 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. Nikhil Lapalikar, Advocate for Applicant
Mr. S.S. Hulke, APP for Respondent No.1

CORAM: NIVEDITA P. MEHTA, J.

DATED : 14th NOVEMBER, 2025

1. The applicant has filed the present appeal before this Court, challenging the judgment and order dated 11.04.2023 passed in Special (POCSO) Case No. 05/2017 by the learned Special Judge, Gondia, whereby the appellant was convicted of the offences punishable under Sections 354 and 354-B of the Indian Penal Code (for short, "IPC"), and under Section 9(m), punishable under Section 10 of the Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act").

2. The learned counsel for the applicant submits that the applicant has been in incarceration since the date of his arrest. It is stated that, as the applicant had not engaged any counsel earlier, he had requested that an advocate be appointed to represent him through the Legal Aid Committee. Pursuant to such

request, counsel was appointed for the applicant, and thereafter the learned counsel obtained all necessary papers required for the preparation of the appeal. Owing to these circumstances, a delay of 862 days occurred in filing the appeal. The learned counsel further submits that if the delay is not condoned, the very purpose of filing the appeal would stand frustrated.

3. Per contra, the learned Additional Public Prosecutor for the respondent–State opposed the application, contending that no sufficient cause has been made out for condonation of delay.

4. Upon considering the submissions advanced by the respective parties, this Court is satisfied that sufficient cause has been shown explaining the delay. It is also evident that the delay was neither deliberate nor intentional. Accordingly, the delay of 862 days in filing the present appeal is hereby condoned.

The application stands allowed. Let the appeal be registered.

CRIMINAL APPEAL STAMP NO.9766/2025

Heard.

ADMIT.

Call for R & P

Issue notice to the respondents, returnable on 08.12.2025.

The learned Assistant Government Pleader waives service of notice for respondent No.1.

In addition to Court notice, the appellant is permitted to serve the respondent No.2 by all available modes of service.

CRIMINAL APPLICATION STAMP NO. 9769/2025

Issue notice to the respondents, returnable on 08.12.2025.

The learned Assistant Government Pleader waives service of notice for respondent No.1.

In addition to Court notice, the appellant is permitted to serve the respondent No.2 by all available modes of service.

(NIVEDITA P. MEHTA, J.)