



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

CRIMINAL APPLICATION (APPA) NO.1024/2025

IN

CRIMINAL APPEAL ST. NO. 11039/2025

**Omprakash Sunil Shedmake Vs. State of Maharashtra, through its
Police Station Officer, Police Station Seloo 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. Sonali Khobragade, Advocate for applicant
Mrs. H.N. Prabhu, APP for Respondent No.1

CORAM: NIVEDITA P. MEHTA, J.

DATED : 24th DECEMBER, 2025

1. The applicant has preferred the present application seeking condonation of delay of 653 days in filing the appeal challenging the judgment and order dated 20.12.2023 passed by the learned Special Judge (POCSO Act), Wardha, in Special (Child Act) Case No. 49/2021, whereby the applicant has been convicted for the offences punishable under Sections 363, 366-A and 376(2)(n) of the Indian Penal Code and under Section 5(1) punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant was not conversant with the legal procedures and remedies available to him. It is further submitted that owing to his incarceration, financial constraints and lack of assistance, the applicant was

unable to contact his relatives or counsel within the statutory period so as to take appropriate legal steps. According to the learned counsel, the delay is neither deliberate nor intentional but occurred due to bona fide and unavoidable circumstances.

3. Per contra, learned Additional Public Prosecutor appearing for the respondent–State opposes the application and submits that the reasons assigned in the application do not constitute “sufficient cause” and, therefore, the delay deserves to be rejected.

4. I have considered the rival submissions and perused the application. It is well settled that the expression “sufficient cause” occurring in Section 5 of the Limitation Act is to be construed liberally so as to advance substantial justice. In the present case, the applicant is a convict undergoing sentence and has explained the delay on the grounds of lack of legal awareness, financial hardship and inability to effectively access legal assistance. There is nothing on record to indicate that the delay was deliberate or actuated by mala fides.

5. In the facts and circumstances of the case, this Court is of the considered view that the applicant has shown sufficient cause for condonation of delay. Refusal to condone the delay would result in denial of an opportunity to the applicant to challenge the conviction on merits.

6. Accordingly, the delay of 653 days in filing the appeal is condoned. The application stands allowed.
7. The appeal be registered.
8. **ADMIT**
9. Issue notice to the respondents, returnable on 09.01.2026.
10. The learned Additional Public Prosecutor waives service of notice for respondent No.1.
11. Call for R & P

APPLICATION FOR SUSPENSION OF SENTENCE

1. Issue notice to the respondents, returnable on 09.01.2026.
2. The learned Additional Public Prosecutor waives service of notice for respondent No.1 and seeks time to file reply. Time as sought is granted.
3. List for further consideration on 09.01.2026.

(NIVEDITA P. MEHTA, J.)