



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

CRIMINAL APPLICATION (APPA) NO.1030/2025

IN

CRIMINAL APPEAL ST. NO. 11187/2025

**Dhanpal s/o Nandram Dongre Vs. State of Maharashtra, Through
Police Station Officer, Police Station Talegaon, District Wardha**

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. A.C. Jaltare, Advocate for applicant
Mrs. S.N. Thakur , APP for Respondent

CORAM: NIVEDITA P. MEHTA, J.

DATED : 24th DECEMBER, 2025

1. The applicant has preferred the present application seeking condonation of delay of 70 days in filing the appeal challenging the judgment and order dated 18.10.2024 passed by the learned Sessions Judge, Wardha, in Special Case No. 74/2022, whereby the applicant has been convicted for the offences punishable under Section 376(3) of the Indian Penal Code and under Section 5(n) punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant belongs to a poor and distressed family background and was not aware of the legal remedies available to him. It is further submitted that immediately upon acquiring knowledge regarding the legal remedies, the applicant contacted his counsel

and the appeal came to be filed. According to the learned counsel, the delay is neither intentional nor deliberate but occurred due to bona fide reasons beyond the control of the applicant. Hence, a prayer is made for condonation of delay.

3. Per contra, learned Additional Public Prosecutor appearing for the respondent–State opposes the application on the ground that no sufficient cause has been shown by the applicant so as to warrant condonation of delay.

4. I have considered the rival submissions and perused the application. It is well settled that the expression “sufficient cause” occurring under Section 5 of the Limitation Act is required to be construed liberally so as to advance the cause of substantial justice. In the present case, the applicant has explained the delay on the grounds of lack of legal awareness and socio-economic constraints. The delay is of a short duration and there is nothing on record to suggest that it was intentional or actuated by mala fides.

5. In the facts and circumstances of the case, this Court is of the considered view that sufficient cause has been demonstrated by the applicant for not preferring the appeal within the statutory period. Accordingly, the delay of 70 days in filing the appeal is condoned. The application stands allowed. The appeal be registered.

6. **ADMIT**

7. Issue notice to the respondent, returnable on 12.01.2026.

8. The learned Additional Public Prosecutor waives service of notice for respondent.

9. Call for R & P

CRIMINAL APPLICATION (ST) NO. 11189/2025

1. Issue notice to the respondent, returnable on 12.01.2026.

2. The learned Additional Public Prosecutor waives service of notice for respondent and seeks time to file reply. Time as sought is granted.

3. List for further consideration on 12.01.2026.

(NIVEDITA P. MEHTA, J.)