



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4183 OF 2025
IN
CRIMINAL APPEAL (ST) NO. 11653 OF 2025

Charan Premsing Sulawane

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

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Ms. K.M. Salve, Advocate h/f Ms. A.N. Pedgaonkar, Advocate for applicant

Ms. U.S. Bhosale, A.P.P. for respondent no.1 – State

Mr. R.M. Gaikwad, Advocate for respondent no.2 (appointed)

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CORAM : RAJNISH R. VYAS, J.

DATE : 27th JANUARY, 2026

PER COURT :

. This is an application for condonation of delay of 799 days in filing appeal against conviction. The applicant was convicted for commission of offence punishable under Section 376(2)(m) of the I.P.C. and directed to suffer rigorous imprisonment for fourteen years and pay fine of Rs.10,000/-.

2. The applicant was also convicted for commission of offence punishable under Section 354(D)(1)(i) of the I.P.C. and directed to suffer simple imprisonment for two years and to pay fine of Rs.3,000/-.

3. For commission of offence punishable under Section 337 of the I.P.C. fine of Rs.500/- was imposed, whereas for commission of offence

punishable under Section 324 of the I.P.C. simple imprisonment for one year and fine of Rs.1,000/- was imposed. For commission of offence punishable under Section 341 of the I.P.C., fine of Rs.500/- was imposed, whereas for commission of offence punishable under Section 346 of the I.P.C., six months simple imprisonment was imposed.

4. The applicant was also convicted for offences punishable under Sections 365, 366, 323, 504 and 506 of the I.P.C. All the sentences were directed to run concurrently. The maximum sentence imposed is of fourteen years.

5. In this background, learned counsel for the applicant submitted that since appellant is in jail, he could not prefer appeal because lack of communication and he was not having financial resources.

6. Learned A.P.P. has opposed the application on the ground that delay is not explained properly and it is not bonafide. It is further stated by her that the reasons given by the trial Court are just and proper.

7. Even learned counsel for Respondent No.2 / victim has opposed the application on the similar grounds.

8. I have gone through the record of the case. The maximum sentence imposed to suffer imprisonment is of fourteen years. Though there is delay of 799 days, the fact remains that the applicant is in jail, and therefore, could not immediately approach the learned counsel. As conviction will cause stigma on the applicant, I am inclined to allow the application.

9. In that view of the matter, criminal application is allowed. Delay of 799 days in filing the appeal is condoned. Appeal be registered.

(RAJNISH R. VYAS, J.)

SSD