DINESH SADANAND SHERLA
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Date: 2026.10.01 18:56:23 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3521 OF 2025
IN
APPEAL (ST) NO. 19124 OF 2025

Pushpa K. Jadhav ...Appellant/Applicant
V/s.
Lalit B. Mhatre & Ors. ...Respondents.

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Ms Sharmila K Deshmukh for the Appellant/Applicant.
Mr. N.B. Sawant for Respondent Nos.1 and 2.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

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CORAM : N.R. BORKAR, J.
DATE : 01.10.2026.

P.C. :

1. This is an application for condonation of delay of 468 days in filing appeal against the judgment and order dated 26.4.2024 passed by learned Additional Sessions Judge, Thane in Criminal Appeal No. 177 of 2019, by which the learned Additional Sessions Judge has allowed the appeal, which was filed by respondent Nos.1 and 2 against the judgment and order of the trial Court convicting them for the offence punishable under Section 420 of the Indian Penal Code.

2. I have heard learned counsel for the applicant/appellant, the learned counsel for respondent Nos.1 and 2 and learned APP for respondent No.3/State.

3. Learned counsel for the applicant/appellant submits that the applicant, who is the victim in the above case, was not aware that she can file an appeal against the judgment and order of the appellate court acquitting respondent Nos.1 and 2. It is further submitted that the applicant is the senior citizen and is suffering from various health related ailments and had undergone surgery in February 2025. It is submitted that thus the delay of 468 days occurred in filing the appeal. It is submitted that the delay is not deliberate and the same be condoned.

4. On the other hand, learned counsel for contesting respondent Nos.1 and 2 submits that the reasons assigned by the applicant do not constitute sufficient cause. It is submitted that the appeal has been filed only with a view to harass respondent Nos.1 and 2. It is thus submitted that inordinate delay of 468 days may not be condoned.

5. For the reasons stated in the application and as the respondent Nos.1 and 2 were initially convicted by the trial Court which is reversed by the appellate court, I am inclined to condone the delay, subject to payment of costs. In the result, the following is order is passed.

O R D E R

A] The Interim Application is allowed.

B] The delay of 468 days in filing an appeal is condoned, subject to payment of costs of Rs.5,000/-.

C] The applicant shall deposit the costs of Rs.5,000/- with Kirtikar Law Library within a period of 3 weeks from today.

D] If the amount of costs is paid, the Registry shall list Criminal Appeal (St) No.19124 of 2025 for admission on 26.10.2026. If the same is not paid, the Interim Application shall stand dismissed without further reference to the Court.

[N.R.BORKAR, J.]