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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

INTERIM APPLICATION NO.1087 OF 2025

IN

CRIMINAL APPLICATION (ALS) (ST.) NO.5734 OF 2025

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VASANT
ANANDRAO IDHOL
Date: 2026.01.21
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The State of Maharashtra

...Applicant

V/s.

Umesh @ Sagar N. Sawant & Anr.

...Respondents

Ms.Mahalakshmi Ganapathy, Addl.PP for the Applicant.

Mr.Pankaj Das for Respondent No.1.

Ms.Shivani Kunder (through Legal Aid for Respondent No.2.

CORAM : SARANG V. KOTWAL &

SANDESH D. PATIL, JJ.

DATE : 20TH JANUARY, 2026.

P.C. :-

1. The present Application is filed for condonation of delay of 1 year and 138 days caused in preferring leave to file an appeal against the judgment and order of acquittal dated 5th June, 2023 passed by the learned Special Judge, and Additional Sessions Judge, Nashik for the offence punishable under Section

376 of Indian Penal Code (IPC) and Sections 4 and 8 of the Protection of Children from Sexual Offences Act. 2012. By the said judgment, the learned Judge had acquitted the Accused. The Applicant has filed the Application seeking leave to file Appeal before this Court. There is delay of 1 year and 138 days which is caused in filing the Criminal Application for leave to file Appeal against the impugned judgment and order of acquittal dated 5th June, 2023.

2. This Court had issued notice to Respondent Nos.1 and 2. Both the Respondents are served and are represented by their respective counsels. Learned Addl.PP states that the impugned judgment and order of acquittal was passed on 5th June, 2023. The application for certified copy was preferred on 7th June, 2023 and was ready on 3rd July, 2023 and delivered on 7th July, 2023. She further states that after the scrutiny of the papers by the concerned Public Prosecutor, vide letter dated 5th October, 2023, the papers were submitted to the Law & Judiciary Department, Mantralaya, Mumbai requesting to prefer an appeal under

Section 419 of Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS).

She states that after scrutiny by the office of Law & Judiciary Department, Mantralaya, Mumbai, a letter was issued by the Government and the same was received by the office of the Public Prosecutor High Court, Bombay on 3rd November, 2023.

She states that after the papers were received, the same were allotted to the concerned Additional Public Prosecutor for drafting. After the matter was drafted, it was filed. It was delayed by 1 year and 138 days. She submits that the delay which is caused is thus not intentional, nor deliberate but for the reasons mentioned in paragraphs 2 and 4 of the Interim Application.

3. We have heard the learned counsel appearing for the parties. We are of the opinion that that the delay which is caused, is sufficiently explained. The delay which is caused is not intentional nor deliberate. Hence, the Application is allowed. The delay of 1 year and 138 days caused in filing the present application for leave to Appeal against the judgment and order of acquittal dated 5th June, 2023 is condoned.

5. The Application is disposed off accordingly.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)