



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APPA) NO. 32 OF 2026

IN

CRIMINAL APPEAL ST. NO.351 OF 2026

DIWAKAR S/O RAMKRUSHNA RAUT

Vrs.

STATE OF MAHARASHTRA

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Bharat Vyas, Advocate with Shri M. R. Pande, Advocate for
applicant/appellant.
Ms. N. R. Tripathi, A. P. P. for respondent-sole.

**CORAM: ANIL L. PANSARE AND
NIVEDITA P. MEHTA, JJ.**

DATE : 19/01/2026

1. Heard.
2. Applicant / appellant is seeking to condone the delay of 500 days caused in filing appeal against the Judgment and order passed by the Sessions Court, Wardha convicting the appellant for the offence punishable under Section 376(2) (n), 376(3) of the Indian Penal Code r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Counsel for the applicant submits that delay has occurred because the applicant is in jail and has restrictions to movement. He could not collect the documents, nor could he give instructions. That apart, he is poor and therefore, could not engage counsel.

4. Later on, the matter was taken up by the High Court Legal Services Sub-Committee, Nagpur and counsel appointed. Thereafter, the appeal is prepared and filed.

5. Learned APP opposed the application saying that the delay is not properly justified.

6. We, however, find that applicant / appellant had multiple impediments and has assigned sufficient cause to condone the delay.

7. In view of the above and for the reasons set out in application, the application is allowed. Delay is condoned. Appeal be registered and processed as per the rules.

8. Application is disposed of.

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9. Heard.

10. **Admit.**

11. Call Record and Proceedings.

12. Ms. N. R. Tripathi, learned APP waives notice for respondent.

[JUDGE]

[JUDGE]