



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

CRIMINAL APPLICATION (APPA) NO. 55 OF 2026
IN
CRIMINAL APPEAL STAMP NO. 604 OF 2026

Dinesh Shankar Aade

Versus

State of Maharashtra through Police Station Officer, Police Station Hinganghat, Dist.
Wardha

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

Court's or Judge's Order

Shri R.L.Kadu, Advocate for the appellant.

Shri K.R.Lule, APP for the respondent/State.

CORAM : ANIL L. PANSARE &
NIVEDITA P. MEHTA, JJ.

DATED : 27th JANUARY, 2026.

The appellant has preferred the present appeal challenging the judgment and order dated 31.12.2024 passed by the learned Additional Sessions Judge, Hinganghat in Sessions Case No. 30 of 2021, whereby the appellant has been convicted for the offence punishable under Section 307 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 12 years, and to pay a fine of Rs. 10,000/-, in default to undergo rigorous imprisonment for six months. The appellant has also been convicted for the offence punishable under Section 506 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for one year, and to pay a fine of Rs. 1,000/-, in default to undergo imprisonment for one month.

2. The present application is filed seeking condonation of delay of 283 days in preferring the appeal against the aforesaid conviction and sentence.

3. Learned counsel for the applicant submits that the appellant has been incarcerated for more than four years and, due to financial constraints and lack of awareness regarding the legal remedies available, the appeal could not be

filed within the statutory period of limitation. It is further submitted that the delay is neither deliberate nor intentional and that no prejudice would be caused to the prosecution if the delay is condoned.

4. Per contra, learned Additional Public Prosecutor submits that the applicant has failed to demonstrate sufficient cause for the delay and, therefore, the application deserves to be rejected.

5. Upon consideration of the rival submissions and on perusal of the material placed on record, we are of the view that the applicant has shown sufficient cause for not preferring the appeal within the prescribed period of limitation. The right of appeal is a statutory right, and rejection of the appeal on technical grounds of limitation would result in denial of an opportunity to challenge the conviction on merits.

6. In the facts and circumstances of the case, we are satisfied that sufficient cause has been made out. Accordingly, the delay of 283 days in preferring the appeal deserves to be and is hereby condoned.

7. The criminal application stands allowed and disposed of.

Criminal Appeal Stamp No. 604 of 2026

Heard.

2. **ADMIT.**

3. Shri Lule, learned Additional Public Prosecutor waives service of notice on behalf of the respondent/State.

4. Call for record and proceedings.

Criminal Application Stamp No. 606 of 2026.

Applicant has filed application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for suspension of sentence and for grant of bail during the pendency of appeal.

2. Issue notice to the respondent.

3. Shri Lule, learned Additional Public Prosecutor waives service of notice on behalf of the respondent/State and seeks time to file reply.

4. Time as sought is granted.

5. List the matter for further consideration on 04.02.2026.

Criminal Application Stamp No. 607 of 2025

Applicant has filed the present application for dispensing with certified copy of order dated 31.12.2024 passed by the learned Sessions Judge, Hinganghat, Dist. Wardha.

2. Learned counsel for the applicant submits that he would be filing the certified copy of order within a period of four weeks.
3. Statement is accepted.
4. Criminal application stands disposed of.

[JUDGE]

[JUDGE]