



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

CRIMINAL APPLICATION (APPA) NO.61/2026 IN
CRIMINAL APPA ST. NO. 782/2026

**Santosh Babanrao Bhendekar Vs. State of Maharashtra, Through the Police
Station Officer, Police Station Dhanaj (BK)**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. R.P. Jog, Advocate for Applicant
Mrs. N.R. Tripathi, APP for Respondent / State

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

DATED : 28th JANUARY, 2026

1. The applicant/appellant has assailed the judgment and order dated 08.08.2025 passed by the learned Additional Sessions Judge, Mangrulpir, District Washim in Special Case No. 7 of 2023, whereby the applicant was convicted for the offence punishable under Section 302 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for life.

2. The learned counsel for the applicant submits that the applicant has been in custody since 25.10.2022 and was unable to avail legal assistance during the relevant period. It is further submitted that a social organisation, namely "Varad", which assists under-trial prisoners in pursuing legal remedies, extended legal assistance to the applicant. Upon collecting the necessary papers, the present appeal came to be filed. According to the learned counsel, the delay is neither intentional nor deliberate and has occurred due to the aforesaid circumstances. She, therefore, prays for condonation of delay of 106 days in filing the appeal.

3. Per contra, the learned Additional Public Prosecutor opposed the application, contending that the applicant has failed to demonstrate sufficient cause for condonation of delay.

4. Upon considering the submissions advanced by the learned counsel appearing for the parties, we are satisfied that the applicant has demonstrated sufficient cause for not preferring the appeal within the prescribed period of limitation. The applicant is seeking to avail a statutory right of appeal. Refusal to condone the delay in the present case would defeat the valuable statutory right of appeal available to the applicant and cause serious prejudice.

5. Accordingly, the delay of 106 days in filing the appeal is condoned. The application stands allowed. The appeal be registered.

After the appeal is registered.

Heard.

ADMIT.

Issue notice to the respondent.

The learned APP waives service of notice for respondent / State.

Call for R & P.

Appeal be listed as per its own turn.

(NIVEDITA P. MEHTA, J.)

(ANIL L. PANSARE, J.)