



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

CRIMINAL APPLICATION (APPA) NO.127/2026

IN

CRIMINAL APPA ST. NO. 1588/2026

**Atul Bhimrao Gawande Vs. State of Maharashtra, through the Police Station
Officer, Police Station, Mangrulpir, District : Washim**

Office Notes, Office Memoranda
of Coram, Appearances, Court's
orders or directions and
Registrar's orders

Court's or Judge's orders

Ms. F.N. Haidari, Advocate for Applicant
Mrs. N.R. Tripathi, APP for Respondent / State

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

DATED : 16th FEBRUARY, 2026

1. The applicant/appellant has assailed the judgment and order dated 07.12.2024 passed by the learned Additional Sessions Judge, Mangrulpir, District Washim in Sessions Case No. 7 of 2019, whereby the applicant has been convicted for the offences punishable under Sections 302, 307, 324, 436 and 201 of the Indian Penal Code (IPC) and sentenced to suffer rigorous imprisonment for life for the offence punishable under Section 302 of IPC.

2. Learned counsel for the applicant submits that there is no evidence against the applicant and that the applicant was not aware of the legal remedies available to him. It is further submitted that there was no family member to pursue the matter with the counsel within the prescribed period of limitation. After obtaining legal assistance, the present appeal has been filed, resulting in a delay of 370 days. It is contended that the delay is neither intentional nor deliberate, but has occurred due to the

aforesaid circumstances. Learned counsel, therefore, prays for condonation of delay of 370 days in preferring 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 consideration of the submissions advanced by the learned counsel appearing for the parties and on perusal of the material placed on record, we are satisfied that the applicant has shown sufficient cause for not preferring the appeal within the prescribed period of limitation. The applicant seeks to avail a statutory right of appeal, and refusal to condone the delay in the present case would defeat such valuable right and cause serious prejudice to the applicant.

5. Accordingly, the delay of 370 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.)