



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

**CRIMINAL APPLICATION (APPA) NO.129/2026**  
**IN**  
**CRIMINAL APPEAL ST. NO. 1417/2026**

**Sheikh Yunus S/o Sheikh Yusuf Vs. State of Maharashtra, Through  
Police Station Officer, Police Station, Ganeshpeth, Nagpur**

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| 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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Mr. A.S. Moon, Advocate for Applicant  
Mrs. N.R. Tripathi, APP for Respondent

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

**DATED : 17<sup>th</sup> FEBRUARY, 2026**

1.            The applicant/appellant has challenged the judgment and order dated 11.07.2025, passed by the learned Additional Sessions Judge-02, Nagpur, in Sessions Case No. 433 of 2021, whereby the applicant was convicted for an offence punishable under Section 302 of the Indian Penal Code and sentenced to rigorous imprisonment for life.

2.            Learned counsel for the applicant submits that due to the lack of legal assistance, the applicant was unable to engage counsel within the prescribed period. It is further submitted that after arranging the necessary funds, the applicant engaged counsel to draft the appeal. Consequently, the present appeal has been filed with a delay of 66 days. It is contended that the delay was neither intentional nor deliberate, but occurred on account of the aforesaid circumstances. Learned counsel,

therefore, prays for condonation of the delay.

3. Learned Additional Public Prosecutor, on the other hand, opposes the application, contending that the applicant has failed to demonstrate sufficient cause for condonation of delay.

4. Having considered the submissions advanced by learned counsel for the parties and perused the record, we are satisfied that the applicant has demonstrated sufficient cause for not preferring the appeal within the prescribed period of limitation. Technical rejection of the appeal would frustrate the remedy available to the applicant.

5. Accordingly, the delay of 66 days in filing the appeal is hereby condoned. The application stands allowed, and the appeal shall 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.

**CRIMINAL APPLICATION (APPA) ST. NO. 1419/2026**

1. The applicant has filed the present application under Section 430 of the Bhartiya Nagrik Surksha Sanhita, 2023 for suspension of sentence.

2. Issue notice to the respondent, returnable on 16<sup>th</sup> March, 2026.

3. The learned APP waives service of notice for respondent.

(NIVEDITA P. MEHTA, J.)

(ANIL L. PANSARE, J.)

*MP Deshpande*