



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

CRIMINAL APPLICATION (APPA) NO. 164 OF 2026
IN
CRIMINAL APPEAL STAMP NO. 2053 OF 2026

Nageshwar S/o Vitthal Ingole

Versus

State of Maharashtra through Police Station Officer, Police Station Dhanaj, Dist.
Washim

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

Court's or Judge's Order

Ms. F.N.Haidari, Advocate for the appellant.

Ms. N.R.Tripathi, APP for the respondent/State.

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

DATED : 25th FEBRUARY, 2026.

The applicant–appellant has preferred the present Criminal Application seeking condonation of delay of 95 days in filing the appeal against the judgment and order dated 20.09.2025 passed by the learned Additional Sessions Judge, Mangrulpir, District Washim in Sessions Case No. 5 of 2023, whereby the appellant has been convicted for the offence punishable under Section 302 of the Indian Penal Code and sentenced to suffer rigorous imprisonment for life and to pay a fine of ₹20,000/-, in default to suffer rigorous imprisonment for one year. 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 two years and to pay a fine of ₹2,000/-, in default to suffer imprisonment for two months.

2. Learned counsel for the applicant submits that on account of financial constraints and lack of awareness regarding the available legal remedies, the appeal could not be preferred within the prescribed period of limitation. It is

submitted that the delay is neither intentional nor deliberate, and that no prejudice would be caused to the prosecution if the delay is condoned.

3. Per contra, learned Additional Public Prosecutor opposes the application contending that no sufficient cause has been made out to justify the delay and, therefore, the application deserves to be rejected.

4. Having considered the rival submissions and upon 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. The right of appeal being a substantive statutory right, the matter deserves to be considered on merits rather than being dismissed on technical grounds of limitation.

5. In view of the above, the delay of 95 days in filing the appeal is condoned. The Criminal Application is allowed and disposed of accordingly.

Criminal Appeal Stamp No. 2953 of 2026

Heard.

2. **ADMIT.**

3. Ms. N.R.Tripathi, learned Additional Public Prosecutor waives service of notice on behalf of the respondent/State.

4. Call for record and proceedings.

5. List the criminal appeal as per its turn.

[JUDGE]

[JUDGE]