



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

CRIMINAL APPLICATION (APPA) NO.241/2026

IN

CRIMINAL APPA ST. NO. 3369/2026

IN

CRIMINAL APPEAL ST. NO. 3369/2026

**Hamid Khan Sikandar Khan Vs. The State of Maharashtra, through
its Police Station Officer, Police Station Malkapur and another**

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. Abdul Subhan, Advocate for applicant
Mrs. N.R. Tripathi, APP for Respondent No.1

**CORAM: URMILA JOSHI PHALKE AND
 NIVEDITA P. MEHTA, JJ.**

DATED : 20.04.2026

1. By this application, the applicant is seeking condonation of delay of 17 days in preferring the appeal. As per the contention of the applicant, the applicant is poor labourer by occupation and he is the sole earning member of his family. He belongs to a poor family background. Due to his weak financial condition, he could not approach to the counsel and for taking appropriate steps and, therefore, delay of 17 days is caused. Delay is not intentional one. In view of that he prays for condonation of delay in preferring the appeal.

2. The learned APP strongly opposed the application and submitted that considering that the delay is not explained properly by the applicant.

3. After hearing both the sides, it reveals that the applicant has explained the delay in preferring the

appeal by giving satisfactory explanation and reasons. Moreover, if the delay is not condoned, it would be deprivation of his statutory right to file appeal and, therefore, application deserves to be allowed. Hence, the following order.

ORDER

- I. Application is allowed.
- II. Delay of 17 days in preferring the appeal is condoned.
- III. Appeal be registered.
- IV. Issue notice to the respondents, returnable on 15th June, 2026.
- V. The learned APP waives service of notice for respondent No.1.
- V. Call R & P. Paper book be prepared.
- VI. Appeal be listed for final hearing on 15th June, 2026.

(NIVEDITA P. MEHTA,J.)

(URMILA JOSHI PHALKE, J.)