

**MHAK010007322026**



**Cri. M. A. No. 30/2026**

**Mohd. Sharique Mohd. Ibrahim Sabjiwale  
Vs. Aarush Bhaji Bhandar**

**ORDER BELOW EXHIBIT 01.**

[ Passed on 07<sup>th</sup> March, 2026 ]

The applicant who is the original accused through this application has prayed to condone delay of 28 days caused for moving the appeal against conviction.

**02]** As per his contention, at the time of delivering judgment he was absent. Therefore, he has no knowledge about the judgment. When the conviction warrant is executed he get acquainted with the fact of conviction. Therefore, the delay is not deliberate. Per contra, the respondent strongly opposed the application on the count that the applicant is deliberately remaining absent in the trial court and he deliberately caused delay in moving the appeal. Therefore, prayed to reject the application.

**03]** Heard both the sides at considerable length. The delay is of only 28 days. It is but natural that when the accused is absent at the time of pronouncement of judgment he did not get knowledge of it and consequently delay in moving the appeal is caused. Therefore, considering the right of accused to move the appeal, period of delay and his absence at the time of pronouncing judgment, I am of the opinion that the said delay needs to be condoned. At the same time, due to conduct of accused some inconvenience and harassment is caused to present respondent, it needs to be compensated by imposing costs. Hence, the order :-

..2..

- Order -

- 1] The application is allowed subject to cost of Rs.5,000/- (Rs. Five Thousand Only).
- 2] The delay of 28 days caused for moving the appeal is hereby condoned subject to payment of above mentioned cost by applicant/accused to the respondent/complainant.
- 3] On payment of above mentioned cost the appeal be registered as per rule.
- 4] The concerned clerk to comply accordingly

Date : 07.03.2026.  
Akola.

[ **Rahul A. Shinde** ]  
District Judge-3 & ASJ.,  
Akola.

## CERTIFICATE

I affirm that the contents of this PDF file are same word for word as per original order.

Name of Steno	: S. D. Tekade, Stenographer (Gr-2).
Court's name	: District Judge-3 and Additional Sessions Judge, Akola
Date	: 07.03.2026
Signed by P.O. on	: 07.03.2026
Uploaded on	: 07.03.2026