

MHRG170014782025



IN THE COURT OF ADDITIONAL SESSIONS JUDGE PANVEL,
AT PANVEL - RAIGAD
ORDER BELOW EXHIBIT NO.1 IN CRIMINAL M.A. 71/2026
(Dated 02/04/2026)

State of Maharashtra Vs. Ganesh Pandurang More and ors

The applicant State has preferred present application for condonation of delay in preferring an appeal against the Judgment and order passed by Ld.Judicial Magistrate, First Class, Karjat, District Raigad. (Here-in-after referred to as the 'Ld.Trial Court') in R.C.C.No.145/2018 on 10/02/2025.

2] It is the case of applicant State that the Ld. Trial Court passed Judgment and order on 10/02/2025 in R.C.C.No.145/2018 whereby opponents were acquitted from the offences p/u/sec. 143, 147, 148, 323, 326, 504, 506 r/w. sec.149 of The Indian Penal Code, 1860. Being aggrieved and dissatisfied with the impugned Judgment and order passed by Ld. Trial Court the applicant State preferred an appeal. However, there is delay of 57 days in preferring said appeal.

3] It is the case of applicant State that, after passing of impugned Judgment and order, the applicant State had applied

for certified copies on 12/03/2025 and same were received by it on 24/03/2025. Thereafter, the proposal was sent to concerned office of Public Prosecutor as well as to District Magistrate for their due consideration and after getting approval, the applicant State has preferred an appeal. However, in the said process delay of 57 days has been caused. The delay is not deliberate and intentional but caused due to aforesaid reason. Hence, it is prayed by applicant that the said delay be condoned.

4] In pursuance of notice of present application opponents appeared and resisted the application. Likewise, the informant also appeared and resisted the application.

5] Heard Ld. APP Shri Y.S.Bhopi for the applicant State, Ld. Adv.Shri A.F.Demelo for opponents and Ld.Adv.Smt.S.C. Nagothkar for the informant. Perused application and other material placed on record.

6] Shri Bhopi made his respective submissions on the line of averments made in the application and prayed to condone the delay caused in preferring an appeal.

7] Shri A.F. Demelo submitted that the reason for delay assigned in the application is not true and correct. It was obligatory on the part of applicant State to explain each and every days delay. However, the applicant State failed to do so.

Likewise, the applicant State has not given any plausible explanation with regard to said delay. Further, it is submitted by Shri Demelo that the applicant State has preferred present application with malafide intention to harass the opponents. Hence, it is prayed by Shri Demelo that the application be rejected.

8] Smt. S.C.Nagothakar supported the submissions advanced on behalf of the applicant State.

9] After giving thoughtful consideration to the submissions advanced by Ld. Advocates for respective parties, I have gone through the material placed on record. It is pertinent to note that the applicant State after obtaining requisite documents sent its proposal to concerned office of Public Prosecutor as well as to District Magistrate for their due consideration and after getting their approval, the appeal came to be filed. It appears delay has been caused due time taken by concerned office to accord its approval to file an appeal. Therefore, the reason assigned by applicant State for its default to prefer an appeal appears to be justifiable. Furthermore, it is pertinent to note that the applicant State has challenged the legality of impugned Judgment and order, therefore the same are required to be scrutinized within four corners of law. It is well settled that while considering the application for condonation of delay, the Court should adopt pragmatic approach instead of pedantic approach. Therefore, in

view of above, I am of the opinion that the applicant State has made out case to condone the delay caused in preferring an appeal. Hence, I proceed to pass the following order.

ORDER

1. The application is allowed.
2. The delay of 57 days caused in preferring an appeal against the impugned Judgment and order passed by Ld. Trial Court in R.C.C. No. 145/2018 on 10/02/2025 is hereby condoned.
3. The appeal be registered as per rule.

Panvel
Date :- 02/04/2026

(S. R. Ugale)
Additional Sessions Judge,
Panvel

CERTIFICATE

I affirm that, the contents of this P.D.F. file judgment/ order are same, word to word, as per the original Judgment.

Name of Stenographer : S. J. Sheth (Grade 1)
Dictation given on (direct) : 02/04/2026
Order checked and signed
by PO on : 02/04/2026
Order uploaded on : 04/04/2026