

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

CRIMINAL APPLICATION NO. 169 OF 2017
THE STATE OF MAHARASHTRA
VERSUS
MAHASAGAR BAPURAO JADHAV

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A.P.P for the applicant-State : Mr.G.O.Wattamwar
Advocate for the Respondent - Mr. M.L.Dharashive

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CORAM : V.L. ACHLIYA, J.

Dated: JULY 19, 2017

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1. Heard the learned A.P.P for the State and learned counsel for respondent.
2. The applicant has moved this application seeking condonation of 76 day's delay in filing application seeking leave to file appeal against the impugned judgment and order of acquittal passed by Sessions Judge Latur, in Special Case (POCSO) No. 17 of 2015.
3. In nutshell it is contention of the learned APP the delay was not deliberate but it was due to procedural formalities. The learned counsel for the respondent opposed the application with contention that no sufficient cause assigned to condone the delay.
4. Having appreciated the submissions advanced in the light of the unchallenged pleading

of the applicant, I am of the view sufficient cause is assigned to condone the delay. The case pertains to the acquittal of accused prosecuted for committing offence under the provisions of the Protection of Children from sexual offences Act. The respondent/accused alleged to have sexually assaulted a minor boy aged 10 years. If delay is condoned no prejudice would cause to accuse as ultimately the application seeking leave to file appeal would be decided on its own merit. However if the delay is not condoned then there is every likelihood that meritorious matter may be dismissed due to technical reasons. I am therefore, inclined to allow the application and pass the following order. :-

- ORDER-

- (I) Delay is condoned.
 - (II) Application seeking leave to file an appeal be registered and place for hearing on 07.08.2017.
 - (III) Call record and proceedings and put with record and proceedings.
4. Stand over to 7th August 2017.

[V.L. ACHLIYA, J]