

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.294 OF 2017
IN
CRIMINAL APPEAL ST. NO. 37 OF 2017**

Dilip Pandurang Salve

.. Applicant

Versus

The State of Maharashtra

.. Respondent

CORAM : V.L.ACHLIYA, J.

DATED : 24.01.2017

P.C. :-

1. Issue notice to the respondent. Learned APP waives service of notice for the respondent/State. By consent the application is taken up for hearing.

2. The applicant has moved this application seeking condonation of 98 days delay in filing of appeal against the judgment and order passed by the Additional Sessions Judge, Sangamner whereby the appellant has been held guilty of offences under Sections 363, 366-A, 376(2)(n) of the Indian Penal Code and under Section 5(j)(i)(l) and Section 6 of the Protection of Children from Sexual Offences Act. The applicant is separately convicted for each of the offences. Maximum sentence awarded is of ten years.

3. Learned counsel for the applicant submits that the delay was not intentional but it was caused due to reason beyond the control of the applicant. The applicant was convicted and lying behind the bar. In this view the delay was caused in filing the appeal.

4. Having appreciated the submissions advanced in the light of reasons stated in detail in the application and further taken into consideration that the appeal is filed against the judgment and order of conviction, I am of the view the delay deserves to be condoned. Accordingly the application is allowed in terms of prayer clause (B). Delay is condoned. Appeal be registered.

[V.L.ACHLIYA,J.]