

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

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.1 OF 2017**

**IN**

**CRIMINAL APPEAL (STAMP) NO.1 OF 2017**

**JISHAN @ PAPPU NISAR AHEMAD SIDDIQUEE )...APPLICANT**

**V/s.**

**THE STATE OF MAHARASHTRA )...RESPONDENT**

Mr.Arun Rajput i/b. Ms.Anjali Patil, Advocate for the Applicant.

Ms.V.S.Mhaispurkar, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.**

**DATE : 15<sup>th</sup> FEBRUARY 2017.**

**P.C. :**

1           This is an application for condonation of delay in filing an appeal challenging conviction of the applicant for offence punishable under Section 6 of the Protection of Children from Sexual Offences Act (POCSO). The applicant / accused, on conviction is sentenced to suffer rigorous imprisonment for 10 years apart from payment of fine of Rs.40,000/-, in default, to undergo further rigorous imprisonment for 3 months.

2            Heard the learned advocate appearing for the applicant / accused as well as the learned APP. The learned APP opposed the application by contending that no sufficient cause is shown for filing the appeal beyond the period of limitation.

3            It is seen that the applicant / accused is behind bar since 3<sup>rd</sup> March 2013 and he was an under-trial prisoner. Reasons stated for delay in filing the appeal are to the effect that parents of the applicant / accused are aged and there is nobody in the family to approach a lawyer for filing the appeal. When the applicant / accused is behind bar even during pendency of the trial against him, the reason so stated constitutes a sufficient cause for non-filing the appeal within limitation. Hence the order :

- i) The application is allowed.
- ii) Delay in lodging appeal is condoned.

**(A. M. BADAR, J.)**