

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

**CRIMINAL APPLICATION NO.40 OF 2017
IN
CRIMINAL APPEAL (ST)NO.23 OF 2017**

Vicky @ Iyob Vishwanath Shrisundar ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

.....
Mr.Indrajeet Joshi, Advocate for the Applicant.
Mr.S.V.Gavand, APP for the Respondent/State.

....

CORAM : A. M. BADAR J.

DATED : 17th JANUARY 2017.

P.C . :

1 This is an application for condonation of delay in filing an appeal challenging the Judgment and Order passed by the learned Special Court in POCSO Special Case No.267 of 2013 thereby convicting the applicant/accused of offence punishable under Section 4 of the Protection of Children from Sexual Offences Act 2012 apart from offence punishable under Section 363 and 376 of the Indian Penal Code.

2 Heard the learned counsel appearing for the applicant/accused as well as the learned Additional Public

Prosecutor. The learned Additional Public Prosecutor opposed the application by contending that the delay is unexplained and no sufficient cause is shown for condonation of delay.

3 It is seen that the delay occasioned is of 120 days. The applicant/accused is undergoing the sentence imposed upon him by the learned Special Court. He is in jail. As such, for the reasons stated in the application, the same is allowed. The delay occasioned in lodging the appeal is condoned.

(A. M. BADAR J.)