

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.171 OF 2017

IN

CRIMINAL APPEAL (ST) NO.91 OF 2017

Mahadev Asaraji Borade ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Ms.Nasreen S.K.Ayubi, Appointed Advocate for the Applicant.

Mr.Prashant Jadhav, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 19th MARCH 2018.

P.C. :

1 This is an application for condonation of delay in filing an appeal challenging conviction of the appellant under Section 376 and 506 of the Indian Penal Code and various offences under Protection of Children from Sexual Offences Act, 2012. The delay occasioned is of 65 days.

2 Heard Ms.Ayubi, the learned Advocate appearing for the applicant/accused. She argued that the applicant/accused has been provided legal aid by the Legal Aid Committee of this Court

and that is how the appeal came to be filed challenging the conviction and resultant sentence. The delay occasioned is bona fide.

3 I also heard the learned Additional Public Prosecutor appearing for the respondent/State.

4 Considering the fact that due to poverty the applicant could not engage lawyer and he has been provided legal aid by the concerned Committee of this Court, the delay occasioned is bona fide and, therefore, the Order :

ORDER

- (i) The application is allowed.
- (ii) The delay in filing the appeal is condoned.

(A.M.BADAR J.)