

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.379 OF 2019

IN

CRIMINAL APPEAL (ST) NO.366 OF 2019

Subhash Shankar Gulekar ... **Applicant**

V/s.

Prashant Vijay Mahadik & Anr. ... **Respondents**

.....

Mr.Mayur Yadhav i/b. Mr.Sachindra B. Shetye, Advocate for the Applicant.

Jeenal Upadhyay i/b. Mr.Rajesh Patil, Advocate for the Respondent No.1.

Mr.V.B.Konde-Deshmukh, APP for the Respondent No.2/State.

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**CORAM : INDRAJIT MAHANTY &
 A.M.BADAR JJ.**

DATED : 11th JUNE 2019.

P.C. :

1 This is an application for condonation of delay of one year and 92 days for preferring an appeal challenging acquittal of the respondent No.1 in respect of offences punishable under Sections 363, 376, 376(E) and 354(A) of the Indian Penal Code as well as under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012. The appeal along with present application is preferred by the original first informant.

2 Heard the learned Counsel appearing for the applicant as well as respondent No.1. We have also heard the learned Additional Public Prosecutor appearing for respondent No.2/State.

3 The learned Counsel appearing for the respondent No.1/acquitted accused has fairly submitted that the appeal challenging acquittal of the respondent No.1 filed by the State has already been admitted.

4 The delay of one year and 92 days for preferring an appeal by the complainant is duly explained by him in paragraph 4 of the instant application. There is no counter to the averments made in the paragraph 4 of the instant application, which, in our opinion, constitutes sufficient cause for not preferring an appeal within limitation. In this view of the matter, the following Order :

ORDER

- (i) The application is allowed.
- (ii) The delay in preferring an appeal is condoned.
- (iii) The application is accordingly disposed of.

(A.M.BADAR, J.)

(INDRAJIT MAHANTY, J.)