IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 19339 of 2020
In R/CRIMINAL APPEAL NO. 1276 of 2020
With
R/CRIMINAL APPEAL NO. 1276 of 2020
With
CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO. 1 of 2020
In R/CRIMINAL APPEAL NO. 1276 of 2020

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RAKESH @ RAKESH MASTER MISHRILAL PRAJAPATI
Versus
STATE OF GUJARAT

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Appearance:
MR PV PATADIYA(5924) for the Applicant(s) No. 1
MR DHARMESH M. DEVNANI ADDITIONAL PUBLIC PROSECUTOR(2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE A.J.DESAI**
and
HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 18/12/2020

ORAL ORDER
(PER : HONOURABLE MR. JUSTICE NIKHIL S. KARIEL)

Rule. Learned Additional Public Prosecutor waives service of rule on behalf of the respondent-State.

Heard learned Advocate Shri P.V. Patadiya for the applicant. By way of this application the applicant prays for condoning delay of 259 days cased in filing of the appeal challenging judgement and order dated 30.04.2019 passed by learned 8th Special POCSO Judge, Surat In POCSO

Case No. 87 of 2017.

From the oral submission of the learned Advocate Shri PV Patadiya for the applicant as well as after perusing the averments made in the application, we notice that the applicant had initially tried to engage an Advocate to file an appeal but on account of his poor financial condition ,he could not manage for engaging Advocate to file the appeal. Thereafter on 08.06.2020 the applicant had approached the Registrar (Judicial) of this Court, it appears that the papers thereafter had been handed over to the present learned Advocate for filing of the appeal who immediately preferred the appeal challenging the judgement and order passed by the Trial Court as mentioned above.

In view of the said facts and circumstances, we are of the opinion that delay caused in filing of the appeal has been sufficiently explained and therefore the same deserves to be condoned. Ordered accordingly. Application is disposed of. Rule is made absolute.

ORDER IN R/CRIMINAL APPEAL NO. 1276 of 2020

Heard learned Advocate Shri P.V. Paradiya for the appellant and learned Additional Public Prosecutor for the respondent- State.

ADMIT. Learned Additional Public Prosecutor waives service of notice of admission on behalf of respondent -State.

ORDER IN CRIMINAL MISC.APPLICATION (FOR SUSPENSION OF SENTENCE) NO. 1 of 2020 In R/CRIMINAL APPEAL NO. 1276 of 2020

Rule returnable on 19.02.2021. Learned Additional Public Prosecutor waives service of rule on behalf of the respondent-State.

Heard. learned Advocate Shri Patadiya for the applicant shall supply copy of all the documents before the next date of hearing.

(A.J.DESAI, J)

(NIKHIL S. KARIEL,J)

DIPTI PATEL