

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

**CRIMINAL APPLICATION NO.2050 OF 2019
IN APEAL/542/2019 WITH APPLN/2884/2019
IN APEAL/542/2019 WITH APEAL/542/2019**

**ANANDA S/O. TATYARAO SALUNKHE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Shri Mayur V. Salunke (Appointed)
APP for Respondent – State : Shri R. B. Bagul
...

**CORAM : RAVINDRA V. GHUGE AND
B. U. DEBADWAR, JJ.**

DATE : 29th OCTOBER, 2020

PER COURT :

1. We have heard the learned advocate for the applicant and the learned APP on behalf of the respondent – State.
2. The learned advocate submits that the applicant is about 68 years of age. Considering that this case rests on circumstantial evidence and the applicant has been convicted for offences punishable under Sections 376(3), 376-A and 302 of the Indian Penal Code read with Section 363 and 201 of the Indian Penal Code and under Section 6 of the Protection of Children from Sexual Offences Act, 2012, the main appeal could be heard expeditiously and this application could be disposed off.
3. In view of the above, this application is disposed off.

4. We call for the appeal paper book and the record and proceedings in Special Case No.31 of 2018 decided on 25/30 March, 2019, from the Court of the learned Sessions Judge, Jalgaon.

5. List this appeal for final hearing on 14-12-2020.

6. In so far as Criminal Application No. 2884 of 2019 is concerned, we appoint Shri Mayur V. Salunke, learned advocate, to represent the respondent – convict, since he has already been appointed by the High Court Legal Aid Services Sub-Committee, Aurangabad, to represent the same accused in the appeal which we intend to hear finally.

7. We have heard the learned APP on behalf of the applicant – State and the learned advocate on behalf of the respondent (Original Accused).

8. By this application, the State prays for condonation of delay of 74 days in preferring the appeal. Though the learned advocate for the accused has vehemently opposed the application, we find that the delay of 74 days is neither deliberate nor inordinate. The State has filed its appeal for seeking enhancement of sentence contending that an 8 years old child was physically abused by an aged senior citizen like the accused and was murdered in a gruesome manner.

9. As such Criminal Application No. 2884 of 2019 stands allowed. The delay of 74 days stands condoned. The appeal preferred by the State shall be registered and shall be listed along with Criminal Appeal No. 542 of 2019 for final hearing on 14-12-2020.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)