

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

**CRIMINAL APPLICATION NO. 2923 OF 2019
IN CRIMINAL APPEAL (ST) NO. 878 OF 2019**

**RAM SHRIMANT PISKE (AT PRESENT IN JAIL)
VS.
THE STATE OF MAHARASHTRA**

...
Advocate for the Applicant : Mr. M. M. Patil (Beedkar)
APP for the Respondent - State : Mr. R. B. Bagul
...

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

DATE : 23rd NOVEMBER, 2020

PER COURT :

1. The applicant, original accused, who has been convicted for offences punishable under Sections 376, 201 and 506 of the Indian Penal Code and Sections 6, 10 and 12 of the Protection of Children From Sexual Offences Act, 2012, is presently lodged in jail having been sentenced to suffer rigorous imprisonment for life and a fine of Rs.1,00,000/- (Rupees One Lakh Only). It is prayed that the delay of 303 days caused in filing the appeal needs to be condoned for the reasons set out in paragraph 3 and 4 of the application.

2. The learned APP has vehemently opposed the application on the ground that the reasons set out for seeking condonation of delay are not satisfactory. The delay is almost of

about ten months.

3. We find that though the delay is of 303 days, the doors of litigation would be closed for the applicant if the delay is not condoned. We do not find that the delay could be termed as being deliberate or inordinate.

4. Considering the above and the fact that the convict has been granted assistance through the Legal Aid Services Authority, this application is allowed. The delay of 303 days is condoned.

5. The criminal appeal shall stand registered, subject to removal of office objections.

6. Leave to add the biological guardian of the victim as respondent No.2, within one week.

7. The learned advocate for the appellant seeks leave to file an application for seeking suspension of sentence and grant of bail. Leave granted.

8. List the appeal along with the application proposed to be filed, on 03-12-2020.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

SVH