

1**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
NAGPUR BENCH, NAGPUR.**CRIMINAL APPLICATION (APPA) NO.382/2020**

Sunil Deorao Ratne

-VERSUS-

State of Maharashtra through P.S.O. P.S. Digras, District Yavatmal.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Harshwardhan Chawhan, Advocate for the Appellant.
Shri H.R. Dhumale, A.P.P. for the Respondent.

CORAM : VINAY JOSHI, J.**DATE : SEPTEMBER 22, 2020.**

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. This is an application for condonation of delay of 484 days caused in filing Criminal Appeal to challenge the judgment and order of conviction passed in Special Case (POCSO) No.12/2016 dated 10.05.2019. The maximum punishment imposed by Trial Court is to undergo rigorous imprisonment for four years and to pay fine of Rs.1000/- for offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

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3. The learned counsel for the appellant submitted that the appellant is in jail from 03.11.2018 meaning thereby near about 50% punishment has already been undergone.

4. The appellant canvassed that due to poor financial condition and current pandemic situation, he was unable to file appeal within stipulated period. Though, the learned Additional Public Prosecutor resisted to condone the delay, however, considering the statutory right of appeal of convicted accused and the reason put-forth, is made out a case to condone the delay. Hence delay of 484 days caused in filing criminal appeal stands condone. Criminal application is accordingly allowed and disposed of.

CRIMINAL APPEAL NO.

1. Heard. Admit. Call for R & P.
2. Learned A.P.P. waives notice on merit.

CRIMINAL APPLICATION NO.

1. This is an application filed by convicted accused under Section 389(1) of the Criminal Procedure Code for

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suspension of substantive sentence.

2. Learned counsel for the appellant would submit that he has already filed all necessary documents for deciding this application.

3. Issue notice to the respondent/State returnable on **29.09.2020**. Learned A.P.P. waives service for respondent/State.

4. It is to be noted that the accused has already undergone near about 50% quantum of imposed punishment, therefore, learned APP to ensure to file reply on next date, failing which, this application shall be dealt with on the basis of material available on record.

5. This order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

R.S. Sahare