

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1525 OF 2021
IN
CRIMINAL APPEAL (ST) No. 4728 of 2021

Parmeshwar Madhav Suryawanshi ..Applicant
Versus
The State of Maharashtra ..Respondent

....
Advocate for the Applicant : Mr. J. B. Paikrao h/f
Mr. G.G. Suryawanshi
A.P.P for Respondent-State :Ms. R. P. Gour
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CORAM : SURENDRA P. TAVADE, J.

DATE : 20.08.2021

PER COURT :-

Perused application. The applicant was prosecuted for the offences punishable under Sections 376(2)(i) & 376(D), 506 of Indian Penal Code and Section 5(g) of the Protection of Children From Sexual Offences Act and under Section 3(i)(xi) (xii) and 2(2)(v) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and sentenced to suffer rigorous imprisonment for 20 years by the learned Additional Session Judge, Nanded in Special POCSO No. 6 of 2015.

2. It is contended that since the date of arrest he is in jail. He received the copy of Judgment passed in Special POCSO

No. 6 of 2015 against him. He sought legal aid from High Court Legal Services Sub-Committee, Aurangabad. The counsel is appointed on behalf of the applicant but the applicant sought some documents which he received at very late stage so he could not submit it to his lawyer. It is contended that as he is in jail since his arrest, he could not collect the papers within time which are required for filing appeal hence the delay is caused.

3. No doubt, the delay is inordinate but in view of the sentence imposed upon the applicant and he is in jail, therefore, his cause is required to be decided on merit. He must be given chance to challenge the order of conviction passed against him in Spl. POCSO No. 6 of 2015 by way of appeal. Therefore, delay is required to be condoned in the interest of justice, as per the reason mentioned in the application, delay is condoned. Appeal be registered.

4. Application is disposed of.

5. Stand over to 30. 08.2021.

**(SURENDRA P. TAVADE)
JUDGE**