

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APPA) No. 430/2021

IN

Criminal Appeal No. /2021

Gautam s/o Momaji Bhaisare

..VS..

State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri I.J.Damle, APP for the non-applicant/State

CORAM : VINAY JOSHI, J.

DATED : 06/08/2021

None for the applicant.

2. Shri I.J.Damle, learned A.P.P. waives notice for the non-applicant/State.

3. The applicant is seeking for condonation of delay caused in filing appeal to challenge the order of conviction dated 05.12.2019 passed by the Sessions Judge, Gadchiroli in Special P.O.C.S.O. Case No. 5/2019. The reason canvassed for delay is applicant's financial incapacity. Admittedly, from the date of order of conviction, the applicant is in jail. To my mind, this is sufficient reason to condone the delay. Hence, the application is allowed. Delay caused in filing appeal is thereby condoned.

4. Appeal be registered and numbered.

5. Accordingly, the application is disposed of.

Criminal Appeal No. /2021

With the assistance of learned A.P.P, I have gone through the impugned judgment and the copies of evidences. The learned trial Court held the appellant guilty for the offences punishable under Section 448 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act. The trial Court has imposed maximum sentence to undergo rigorous imprisonment for five years alongwith total fine of Rs.26,000/-.

2. **Admit.**
3. Issue notice to the respondent.
4. Shri I.J.Damle, learned A.P.P waives notice for the respondent/State.
5. Call R. and P.

Criminal Application (APPA) No. 437/2021

The applicant is seeking for suspension of execution of sentence.

2. Issue notice to the non-applicant.
3. Shri I.J.Damle, learned A.P.P waives notice for the non-applicant/State.
4. Stand over to **27.08.2021.**

JUDGE