

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

**CRIMINAL APPLICATION NO. 2287 OF 2022
IN
APEALST/6226/2022
WITH
APPLN/26/2022
IN
APEALST/45/2022**

**DEEGAMBAR @ DIGAMBAR VENKAT GOUND (MALI)
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicant : Mr. Dharashive Mahishankar L.
APP for Respondent No. 1 : Mr. B.V. Virdhe
Advocate for Respondent No. 2 : Mr. D.J. Patil**

**CORAM : SMT. VIBHA KANKANWADI &
RAJESH S. PATIL, JJ.**

DATED : 03 OCTOBER, 2022

PER COURT:-

1. Criminal Application 2287/2022 has been filed for getting delay of 45 days condoned in filing Criminal Appeal by the applicant. Applicant has been convicted by learned Special Judge, under POCSO Act in Special Case POCSO No. 40/2015 on 12.10.2021. It will not be out of place to mention here that the learned Extra Joint Additional Sessions Judge/Special Judge, Latur, under the POCSO Act, has convicted the applicant under Section 376 (2) (i) of IPC read with Section 4 of the POCSO Act

and has directed the applicant to suffer rigorous imprisonment for seven years and to pay fine of Rs. 5,00/- in-default to suffer S.I. for two months.

2. The prosecution i.e. the State has challenged the said conviction on the point of enhancement of the punishment by filing Criminal Appeal together with application for condonation of delay and, therefore, the present application though pertains to the Single Bench has come before this Court.

3. Taking into consideration the reasons mentioned in para Nos. 2 and 3, the delay of 45 days in filing Criminal Appeal stands condoned and application stands allowed.

4. Registry is directed to register the appeal.

5. Criminal Application No. 26/2022 has been filed by the State for getting delay of 10 days condoned in filing Criminal Appeal.

6. Issue notice to respondent in Criminal Application No. 26/2022. Learned Advocate Mr. Dharashive, waives for the respondent / original accused.

7. Taking into consideration the reasons mentioned in para No. 2 and the duration of the delay in Criminal Application No. 26/2022, the delay stands condoned and application stands

allowed. The said Criminal Appeal be also verified and registered.

8. Place the matter for further consideration on 20.10.2022.

[RAJESH S. PATIL, J.]

[SMT. VIBHA KANKANWADI, J.]