

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

CRIMINAL APPLICATION NO. 325 OF 2022
IN
CRIMINAL APPEAL STAMP NO. 825 OF 2022

BALU @ BHAU GANGADHAR BARDE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mrs. Daxini Roopa V.
APP for Respondents/State : Mr. S. J. Salgare

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**CORAM : SARANG V. KOTWAL &
BHARAT P. DESHPANDE, JJ.**

DATE : 6th JULY 2022.

Per Court :

1. This is an application for condonation of delay of 1202 days in filing the Criminal Appeal. The Applicant was convicted and sentenced vide judgment and order passed by the Special Judge on 07.08.2018. The Applicant was convicted for offences under Protection of Children from Sexual Offences Act (POCSO) and Indian Penal Code (IPC). The maximum punishment was imprisonment for life. It is mentioned in the application that the Applicant was arrested on 01.01.2017 and since

then he is in custody. He is financially poor. He has no source of income. There is nobody in his family to take steps in filing of the appeal. Considering these grounds, the following order is passed.

ORDER

(i) The delay of 1202 days mentioned in the prayer clause, which according to learned Counsel appointed for the Applicant, is actually of 1565 days, is condoned.

(ii) Leave to amend the prayer clause to mention the correct number of days of delay, is granted. Amendment shall be carried out forthwith.

(iii) Learned Counsel is appointed through Legal Aid, she shall be paid her fees according to rules.

(iv) Legal Aid Services Authority is requested to make payment of professional fees of the Advocates, who are appearing by way of legal aid for the Applicant, whether it is

specifically mentioned in the order of the Court or not and whether they are appointed through Legal Aid Services Authority or by the order of the Court.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]

Najeer...