

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

**BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3762 OF 2022  
IN APEALST/10514/2022

SUNIL PRAKASH GAJBHARE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Rohit Patwardhan h/f Mr. Jadhav Satej S.  
APP for Respondent/State : Smt. D. S. Jape

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**CORAM : KISHORE C. SANT, J.**

**DATE : 25<sup>th</sup> NOVEMBER 2022.**

**Per Court :**

1. This application is filed praying for condonation of delay of 138 days caused in filing Criminal Appeal, challenging the judgment and order dated 30.04.2022, wherein Applicant is held guilty for the offences punishable under Sections 376(3) of the Indian Penal Code and Sections 3, 4, 5(n) & 6 of the Protection of Children from Sexual Offences Act (POCSO). Applicant is sentenced to suffer rigorous imprisonment for ten years and to pay a fine of Rs.5000/-, in default to

suffer simple imprisonment for one month for the offence under Section 3 punishable under Section 4 of the POCSO.

2. Learned Advocate for the Applicant submits that the delay is not intentional and deliberate, but for the reasons stated in Paragraph No.5 of the application. Considering the same, this Court finds that it is necessary to condone the delay. The Criminal Application thus, stands allowed. The delay of 138 days caused in filing the appeal, challenging the judgment and order dated 30.04.2022 passed by the learned Extra District Judge-1 and Additional Sessions Judge, Special (POCSO) Court, Nanded in Special (POCSO) Case No. 144/2020, is condoned.

3. Office to register the appeal.

4. With this, the Criminal Application is disposed off.

[ KISHORE C. SANT, J.]

*Najeeb.*