

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1991 OF 2022
IN
CRIMINAL APPEAL [STAMP] NO.10560 OF 2022**

Sachin Sandeep Waradkar Applicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. Manoj Kumar Singh, Advocate (appointed) is absent.
Mr. Shashikant P. Chaudhari, Advocate is present.
Mr. S.R. Agarkar, APP for the Respondent No.1-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 14th NOVEMBER, 2022

P.C. :

1. This is an application for condonation of delay of 71 days in filing the appeal.
2. The applicant was convicted and sentenced by the Sessions Judge, Sindhudurg vide his judgment and order dated 28.1.2022 passed in Special Case (POCSO) No.10/2020. The applicant was convicted for commission of offences punishable under Sections 354, 354-A(1)(i) and 354-D of the Indian Penal Code and under Sections 8 & 12 of

the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). The major punishment imposed on him was for three years besides imposition of fine.

3. This appeal is filed with the assistance of Legal Aid Counsel. After his conviction, the applicant was arrested and was taken in custody. The application mentions that after his conviction, he is continuously in custody. The applicant applied for assistance of a Legal Aid Counsel. The certified copy of the judgment was made available to the Legal Services Authority on 23.3.2022. The applicant could not appoint a private Advocate because of his financial difficulties and hence there was delay.

4. Considering these grounds, the delay can be condoned. However, it appears that the appeal with this application for condonation of delay was filed on 20.6.2022. Since then no steps were taken by the appointed Advocate to get the matter circulated before the Court or to press for the relief for condonation of delay, admission of appeal or getting the applicant released on bail during pendency of the appeal. This conduct of the appointed Advocate needs to be

brought to the notice of the Legal Services Authority, which has appointed him in this case. Today, the appointed Advocate is not present. Instead, Shri Shashikant P Chaudhari, Advocate is present before the Court on his behalf and he is ready with the matter. Therefore, following order is passed :

:: O R D E R ::

- i. The delay of 71 days in filing the appeal is condoned. The appeal be processed further.
- ii. Shri Manoj Kumar Singh shall not continue to represent the applicant/appellant in these proceedings. Instead Shri Shashikant P Chaudhari, is appointed to represent the applicant/appellant in these proceedings.
- iii. A copy of this order be sent to Legal Services Authority for their information.
- iv. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)