

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

**INTERIM APPLICATION NO. 2358 OF 2022
IN
CRIMINAL APPEAL (ST) NO. 11790 OF 2022**

Sudhir Laxman Sonawane ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Pawan Mali for Applicant.
Smt. Veera shinde, APP for State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 18th AUGUST 2022**

PC :

1. This is an application for condonation of delay of four years and 290 days in filing Criminal Appeal (ST) No. 11790 of 2022 challenging the Judgment and order dated 26/07/2017 passed by learned Additional Sessions Judge, Special Court, Greater Bombay in Special POCSO Case No.490 of 2014, convicting the applicant.

2. Learned counsel for the applicant was appointed through Legal Aid Panel of this court. He submitted and it is also mentioned in paragraph 9 of this application that the applicant

could not engage an advocate and, therefore, the High Court Legal Services Committee appointed Advocate Shri. Pawan Mali to plead his case. The appointment order was served on learned advocate on 27/07/2022. He immediately filed this appeal, but in the process there was delay in filing the present application.

3. Since the learned Advocate has taken immediate steps after his appointment and filed the Appeal, no fault could be found with him. In the interest of justice, delay of 4 years and 290 days in filing Criminal Appeal is condoned. Criminal Appeal (ST) No.11790 of 2022 be processed further.

4. However, it appears that, it is not the fault of the applicant as to why this appeal was not filed earlier. Therefore, though the Appeal is filed in the year 2022, it shall be treated on par with Appeals for the year 2017 for being listed on the final hearing board. The Appeal should have been filed in the year 2017 itself.

5. Considering the situation which has arisen in this particular case, the legal services committee of this court,

henceforth, shall take immediate steps, so that, such instances do not occur in future and the prisoners do not suffer for similar reasons. Periodic review should be taken of pending matters even after assigning cases to appointed advocates. This order shall be circulated to the Legal Services Authority of this Court.

6. The Interim Application is disposed of.

(SARANG V. KOTWAL, J.)