

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APPA) NO. 832 OF 2022**  
**IN**  
**CRIMINAL APPEAL (ST.) NO. 6658 OF 2022**

Dhanraj Gajanan Wakodikar

...**VERSUS**...

State of Maharashtra thr. PSO, P.S. Panchpaoli, Nagpur

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders.*

*Court's or Judge's order*

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Shri Amit M. Kukday, Advocate (appointed) for applicant/appellant.  
Ms. T.H.Udeshi, APP for respondent/State.

**CORAM : SMT. M. S. JAWALKAR,J.**

**DATE : 30<sup>th</sup> SEPTEMBER, 2022.**

The present application is filed for condonation of delay in filing appeal challenging the judgment and order dated 30/10/2021 passed by learned District and Sessions Judge – 11, Nagpur in Special POCSO Case No. 173/2019, whereby, the appellant was convicted for the offences punishable under Section 376(3) of Indian Penal Code (in short, IPC) and Section 4 of Protection of Children from Sexual Offences Act (in short, POCSO Act) and sentenced to suffer rigorous imprisonment for 20 years and to pay fine of Rs. 25,000/-, in default of fine, simple imprisonment for 3 months for the offence punishable under Section 376(3). He was also convicted for the offence punishable under Section 8 of POCSO Act and sentenced to suffer rigorous imprisonment for 3 years and to pay fine of Rs. 1,000/-, in default of fine, simple imprisonment for one month. Further, he was also convicted for the offence punishable

under Section 12 of POCSO Act and sentenced to suffer imprisonment for 1 year and to pay a fine of Rs. 1,000/-, in default of fine, simple imprisonment for one month so also he was convicted for the offence punishable under Section 506 of IPC and sentenced to suffer imprisonment for 1 month and to pay a fine of Rs. 1,000/-, in default of fine, simple imprisonment for one month.

2. It is submitted that the appellant is a labourer. After conviction, he was sent to jail and there was nobody to look after the matter. In view of thereof, delay of 103 days is caused in filing the appeal.

3. The learned Asst. Public Prosecutor opposed the application. The appellant through appointed counsel has filed this application. For the reason stated in the application, I am satisfied that there is no intentional or deliberate delay in filing the appeal. The reason put forth by the learned counsel for the appellant is justifiable, therefore, the delay in filing appeal is hereby condoned. Registry is directed to register the appeal. Accordingly, the application is disposed of.

### **CRIMINAL APPEAL (ST.) NO. 6658 OF 2022**

After registration of appeal, the appellant is permitted to add a party respondent no. 2 (victim).

2. After addition of party, issue notice to respondent no. 2, returnable within two weeks.

**(Smt. M.S. Jawalkar, J.)**