

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO.33/2022

IN

CRIMINAL APPEAL (ST) NO.8541/20221

Shuddhodhan Dinkar Gawai Vs. The State of Maharashtra

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

Court's or Judge's orders

Mr. N. R. Badar, Advocate for the Applicant.
Mr. M. J. Khan, A.P.P. for the Non-applicant/State.

CORAM : SURENDRA P. TAVADE, J.

DATE : 14/01/2022.

1. This is an application for condonation of delay to prefer appeal against the judgment and order passed in Sessions Case No.8/2018. It is submitted that the applicant was convicted for the offences punishable under Sections 354A and 506 of the Indian Penal Code (IPC) and Section 11(i) punishable under Section 12 of the Protection of Children From Sexual Offences Act, 2012 (POCSO Act).

2. The applicant is held guilty for the offence punishable under 354A of IPC and sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for 3 months. He is also held guilty for the offence under Section 506 of IPC and sentenced to suffer rigorous imprisonment for 2 years and to pay a fine of Rs.10,000/-, in default of payment of fine, to undergo simple imprisonment for 3 months. He is also held guilty for the offence under Section 11(i) punishable under Section 12 of

POCSO Act and sentenced to suffer rigorous imprisonment for 3 years and to pay a fine of Rs. 10,000/-, in default of payment of fine, to undergo simple imprisonment for 3 months.

3. It is contended that since the conviction the applicant is in jail. Therefore, he could not prefer appeal in time. It is contended that the applicant is a poor person and sole earning member of the family. Therefore, nobody was in the family to contact with the lawyer. Hence, appeal was not filed.

4. In view of the reasons given for delay, I am of the opinion that the delay has to be condoned and applicant may be given chance to prefer an appeal. Hence I pass the following order.

ORDER

- i. The application is allowed.
- ii. The delay in preferring the appeal against the conviction order passed in Sessions Case No.8/2018 is hereby condoned.
- iii. The registry is directed to register the appeal.

CRIMINAL APPEAL (ST) NO.8541/20221

Stand over to 21.01.2022.