

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

918 CRIMINAL APPLICATION NO. 2489 OF 2023
IN CRIMINAL APPEAL (ST) NO. 6921 OF 2023

SOMNATH BHANUDAS MHASKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. A.S. Gandhi – Advocate for Applicant
Mr. P.M. Kulkarni – APP for Respondent No.1
Ms. S.G. Sonawane – Advocate for Respondent No.2
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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 17th October, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant – accused is seeking condonation of delay of 138 days in filing Criminal Appeal challenging the judgment and order of his conviction dated 21st December, 2022 passed by the Special Judge in Special Case (POCSO) No.131 of 2021. According to the learned Counsel for the applicant, the applicant is convicted under the provisions of POCSO Act and sentenced to suffer imprisonment for twenty (20) years and to pay fine of Rs.50,000/- which forms the part of compensation awarded to the victim.
3. Learned Counsel for respondent No.2 – victim as well as

learned A.P.P. strongly opposed the application. They also pointed out that, there is no record available as to whether the applicant has deposited the fine amount. For that purpose, the learned Counsel for applicant submits that, necessary arrangement would be done, if it reveals that the fine amount is not deposited.

4. In view of the same and considering the statutory right of the applicant – accused the application is allowed and the delay of 138 days in filing Criminal Appeal against the conviction of applicant as aforesaid is hereby condoned subject to deposit of entire fine amount of Rs.50,000/- within the period of two weeks and also payment of cost of Rs.1,000/- to be paid to the Government Pleaders' Library, Bombay High Court bench at Aurangabad within the similar period.

5. After deposit of fine and cost amount the appeal of the applicant be registered after removal of office objections, if any.

[SANDIPKUMAR C. MORE]
JUDGE