

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISCELLANEOUS APPLICATION NO.84
OF 2022
IN
CRIMINAL APPEAL NO.508 OF 2022 (FILING)

Tenzin @ Elin Dorje (presently in
judicial custody Modern Central
Jail) Colvale Goa

... Applicant

Versus

State of Goa thr. The Police
Inspector/Officer In charge and
Anr.

...Respondents

Mr Sanman Keny, Advocate, for the Applicant.

**Mr Pravin N. Faldessai, Additional Public
Prosecutor for the Respondent State.**

CORAM:
DATED :

PRAKASH D. NAIK, J
19th AUGUST 2023

ORAL ORDER:

1. This is an application for condonation of delay in preferring an appeal challenging the judgment of conviction passed by learned Additional Sessions Judge, Panaji in Sessions Case No.23/2016. The delay is of 104 days. The applicant is in custody. He has been convicted for offence under Section 376 of IPC and sentenced to suffer imprisonment of 10 years. Judgment of conviction was passed on 26.10.2020 and the appeal was filed on 11.08.2022. Apparently, the appeal was preferred after a period of two years from the date of the

judgment. Further, as submitted by the applicant in paragraph 3 of the application, the delay can be condoned in the light of the observations of the Apex Court in Suo Motu Writ Petition No.3/2022. The registry has calculated the delay of 104 days in preferring the appeal.

2. Learned Additional Public Prosecutor has no objection if the application is allowed.

3. Considering the fact that the applicant is in custody and for the reasons stated in the application, the delay can be condoned.

ORDER

a) Criminal Miscellaneous Application No.84 of 2022 is allowed.

b) The delay in preferring the Criminal Appeal No.508 of 2022 is condoned.

c) Criminal Miscellaneous Application stands disposed of.

(PRAKASH D. NAIK, J.)

MARIA SUZANA
REBELLO

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