

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.732 OF 2023
IN
CRIMINAL APPEAL (ST) NO.3605 OF 2023

Shahaji Anandrao Patole	]	..	Applicant
vs.			
State of Maharashtra & Anr.	]	..	Respondents

Mr.S.D. Chandak, appointed Advocate for the Applicant.

Ms.P.N. Dabholkar, APP for the State.

CORAM : BHARATI DANGRE, J

DATE : 2nd May, 2023

P.C.

1] By the present Application, the Applicant seek condonation of delay of 2 years and 342 days, in filing the Appeal.

2] The Appeal is filed, being aggrieved by the Judgment passed by the Additional Sessions Judge, Vaduj on 06.01.2020, which has convicted him for committing offence punishable under Section 376(2) (d), 354, 354-B of the IPC, under Section 5(1)(d) of the POCSO Act and Section 3(1)(iii)(xi)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Judgment has acquitted, Accused No.2.

3] The learned counsel, in support of the Application for condonation of delay, would submit that the Applicant had no access to justice, since he belongs to a poor family. The impugned Judgment is delivered on 06.01.2020 and due to his health condition, he was unable to find out any medium, through whom he could have filed the Appeal. However, subsequently on being offered legal assistance through the Legal Services Authority, Appeal came to be filed after delay of 2 years and 342 days.

4] Considering the reason stated in the Application, which appear to be bonafide and since access of justice cannot be denied, particularly to an accused who has been convicted, I deem it appropriate to condone the delay.

Interim Application is allowed. The delay of 2 years and 342 days in filing the Appeal is condoned.

Interim Application No.732/2023 stands disposed off.

[BHARATI DANGRE, J]