

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL ST NO. 5795 OF 2023
WITH
INTERIM APPLICATION NO. 1537 of 2023
IN
CRIMINAL APPEAL ST NO. 5795 OF 2023
WITH
INTERIM APPLICATION NO. 1536 of 2023
IN
CRIMINAL APPEAL ST NO. 5795 OF 2023

Nitin Sanjay Jadhav

.. Appellant

Versus

The State of Maharashtra & Anr

.. Respondents

...

Mr.Ashish Satpute for the appellant.
Mr.Y.M. Nakhawa, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 24th APRIL 2023

P.C:-

Appeal St No.5795.2023

- 1 Heard. Admit.
- 2 Call for Record and Proceedings.
- 3 Issue notice to the respondents, returnable on 23/6/2023.

4 IA No. 1536/2023

IA 1535/2023 seek condonation of delay of 140 days in filing the Appeal.

5 Heard the Appointed Advocate Mr.Ashish Satpute for the applicant and perused the application.

The appellant is convicted in Special Case No.9/2018 vide judgment and order dated 23/8/2022. In filing the Appeal, a delay of 145 days has occasioned and the application proceed to state that immediately after the conviction, the accused was sent to Jail and he was not aware of the legal procedure to be completed in order to file an Appeal. This has caused the delay, is the explanation that is offered.

Accepting the aforesaid explanation to be bonafide and a plausible one, I deem it appropriate to condone the delay of 145 days in filing the Appeal.

IA 1536/2023 stand disposed off.

IA No. 1537/2023

6 Since the offence invoked is under the POCSO Act, issue notice to respondent no.2, making it returnable on 23/6/2023. Notice shall be served through the Investigating Officer. He shall intimate respondent no.2 about filing of Appeal by the appellant and application seeking suspension of sentence

and his release on bail. He shall also apprise respondent no.2 about her right to be represented through the counsel of her choice or seek assistance from the Legal Aid.

(SMT. BHARATI DANGRE, J.)