

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APPA) NO.212 OF 2023**

**IN**

**CRIMINAL APPEAL STAMP NO.1200 OF 2023**

Sagar s/o Bharat Hiwarale Vs. State of Maharashtra and another

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

Court's or Judge's orders.

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Shri P.A. Nemade, Advocate for applicant.  
Shri I.J. Damle, APP for non-applicant no.1.  
Ms H.S. Dhande, Advocate appointed for non-applicant no.2.

**CORAM : ANIL L. PANSARE, J.**

**DATE : MARCH 10, 2023.**

Heard.

2. By this application, the applicant is seeking condonation of delay caused in filing the appeal against judgment and order dated 19.05.2022 passed by the learned Additional Sessions Judge, Nagpur in Special POCSO Case No.110/2016, thereby convicting the applicant under Section 376(2)(i)(j) of the Indian Penal Code and sentencing him to suffer ten years rigorous imprisonment and under Section 363 of the IPC sentencing him to suffer rigorous imprisonment for three years with fine amount.

3. Learned APP and learned counsel for the non-applicant jointly submit that the delay is not properly explained.

4. Learned counsel for the applicant submits that delay

has been caused because the applicant is in jail and has restrictions to communicate with his relatives. He could not give instructions in time nor he could collect necessary documents.

5. In view of above and for the reasons set out in the application, the application is allowed. Delay of 206 days caused in filing the appeal against the judgment and order dated 19.05.2022 passed by the learned Additional Sessions Judge, Nagpur in Special POCSO Case No.110/2016, is condoned. Appeal be registered.

6. The application is disposed of.

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7. Heard.

8. **Admit.**

9. Call for record and proceedings.

10. Learned A.P.P. waives notice of hearing respondent no.1/State.

11. Ms H.S. Dhande, learned counsel waives notice of hearing for non-applicant no.2.

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12. This is an application for suspension of substantive sentence and for grant of bail.

13. Heard.
14. Issue notice to the non-applicants.
15. Learned A.P.P. waives notice for non-applicant no.1/State.
16. Ms H.S. Dhande, learned counsel waives for non-applicant non-applicant no.2.
17. Stand over to 17.03.2023.

**JUDGE**

*Wagh*