

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

CRIMINAL APPLICATION (APPA) NO.246 OF 2023 IN
CRIMINAL APPEAL STAMP NO.1567 OF 2023

Amitkumar s/o Satyanarayan Kushwah Vs. State of Maharashtra and Anr.

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

Court's or Judge's orders.

Shri Raju Kadu, Advocate for applicant.
Shri A.M. Kadukar, APP for non-applicant no.1/State.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 01, 2023.

Heard.

2. By this application, the applicant is seeking condonation of delay caused in filing the appeal against judgment and order dated 21.08.2021 passed by the learned Additional Sessions Judge (POCSO), Gondia in Special POCSO Case No.12/2015, thereby convicting applicant under Sections 376, 354-A of the Indian Penal Code and under Section 3 read with Section 4 of the Protection of Children from Sexual Offences Act and sentencing him to suffer ten years rigorous imprisonment with fine amount.

3. Learned counsel for the applicant submits that delay has been caused because the applicant is in jail and has restriction to communicate with his relatives. He could not give instructions in time nor he could collect necessary documents.

4. In view of above and for the reasons set out in the application, the application is allowed. Delay of 289 days

caused in filing the appeal against the order dated 21.08.2021 passed by the learned Additional Sessions Judge (POCSO), Gondia in Special POCSO Case No.12/2015, is condoned. Appeal be registered.

5. The application stands disposed of.

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6. Heard.

7. **Admit.**

8. Call for record and proceedings.

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

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10. This is an application under Section 389 of the Code of Criminal Procedure for suspension of substantive sentence and grant of bail.

11. Heard.

12. Issue notice to the non-applicants, returnable in two weeks.

13. Learned APP waives notice for non-applicant no.1/State.

JUDGE

Wagh