

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

...

CRIMINAL APPLICATION (APPA) NO. 248/2023

IN

CRI.APPEAL (ST) NO. 1664/2023 & APPA (ST)No.1666/2023

Rupchand s/o Dilip Shende

.. Applicant

versus

The State of Maharashtra

Th: Its PSO PS Bhandara and another

.. Respondents

.....
Mr.V.B. Gawali, Advocate for the applicant

Mr. NR.Rode, APP for Respondent No.1
.....

CORAM: ANIL L. PANSARE, J.

DATED : 28th February, 2023.

PC:

CRI.APPA.248/2023

Heard. By the present application, the applicant is seeking condonation of delay of 94 days in filing the Appeal against conviction. The applicant has been convicted by the judgment and order dated 19.09.2022 passed by learned Special Judge (POCSO Act) Bhandara in Spl. Criminal Case No.40/2019, for the offences punishable u/ss. 376(2) (h) of the Indian penal Code and Sections 5(j), (ii) as well as 5(1) of the Protection of Children from Sexual Offences Act.

Learned APP for Respondent no.1 has opposed the application.

The learned counsel for the applicant submits that the applicant is in jail and has restriction to communicate with his relatives and, as such, could not give instructions in time.

In view of the above and for the reasons set out in the

application, the Application is allowed. The delay of 94 days caused in filing the present appeal is hereby condoned. The Appeal be registered.

CRI.APPEAL (ST) No. 1664/2023

Heard.

Admit.

Call R & P

The R & P be furnished in hard copy as well as soft copy.

Learned APP waives service on behalf of the Respondent No.1-State.

CRI.APPA.(ST) NO. 1666/2023

Issue notice to the non-applicants, returnable on
14.03.2023. Learned APP waives notice for non-applicant No.1.

[ANIL L. PANSARE, J.]

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