

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

CRIMINAL APPLICATION (APPA) NO.369 OF 2023 IN
CRIMINAL APPEAL STAMP NO.2573 OF 2023

Pramod s/o Ramraoji Thakre Vs. State of Maharashtra and another

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

Court's or Judge's orders.

Ms Shubhangi h/f Shri H.P. Lingayat, Advocate for applicant.
Shri M.J. Khan, APP for non-applicant no.1/State.
Ms Deepali Sapkal, Advocate (appointed) for non-applicant
no.2.

CORAM : ANIL L. PANSARE, J.

DATE : APRIL 13, 2023.

Heard.

2. By this application, the applicant is seeking condonation of delay caused in filing the appeal against judgment and order dated 14.11.2022 passed by the learned Extra Joint Additional Sessions Judge, Nagpur in POCSO Case NO.289/2018, thereby convicting the applicant under Sections 354B of the Indian Penal Code (for short, 'IPC') and under Sections 11 and 12 of the Protection of Children from Sexual offences Act, 2012 and sentencing him to suffer three years rigorous imprisonment and under Section 448 of the IPC sentencing him to suffer rigorous imprisonment for six month with fine amount.

3. Learned counsel for the applicant submits that delay has been caused because the applicant was in financial difficulty and is in jail and has restrictions to communicate

with his relatives. He could not give instructions in time nor could be collect necessary documents.

4. In view of above and for the reasons set out in the application, the application is allowed. Delay of 73 days caused in filing the appeal against the judgment and order dated 14.11.2022 passed by the learned Extra Joint Additional Sessions Judge, Nagpur in POCSO Case NO.289/2018, is condoned. Appeal be registered.

5. The application is 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 on merits.

10. Ms Deepali Sapkal, learned counsel waives notice of hearing for the respondent no.2.

11. Registry to process the appeal for final hearing in accordance with Rules.

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12. This is an application for suspension of substantive sentence.

13. Issue notice to the non-applicants returnable on 21.04.2023.

14. Learned A.P.P. waives notice of hearing for non-applicant no.1/State on merits.

15. Ms Deepali Sapkal, learned counsel waives notice of hearing for the non-applicant no.2.

(Anil L. Pansare, J.)

Wagh