

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

CRIMINAL APPLICATION (APPA) NO.396 OF 2023 IN
APPEAL STAMP NO.2766 OF 2023

Poshan S/o Domulal Sahu 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.

Shri S.S. Das, Advocate (appointed) for applicant/s.
Shri I.J. Damle, APP for non-applicant/State.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 31, 2023.

Heard.

2. By this application, the applicant is seeking condonation of delay caused in filing the appeal against judgment and order dated 19.09.2022 passed by the learned Special Judge, Special Court (POCSO), Chandrapur, thereby convicting the applicant under Section 363 of the IPC and sentencing him to suffer three years rigorous imprisonment and under Section 4 of the Protection of Children from Sexual Offences Act, 2012 sentencing him to suffer rigorous imprisonment for twenty years with fine amount.

3. Learned counsel for the applicant submits that delay has been caused because of the poor financial condition and 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.

4. In view of above and for the reasons set out in the application, the application is allowed. Delay of 132 days caused in filing the appeal against the judgment and order dated 19.09.2022 passed by the learned Special Judge, Special Court (POCSO), Chandrapur, is condoned. Appeal be registered.

5. The application stands disposed of.

CRIMINAL APPEAL STAMP NO.2766 OF 2023

6. Heard.

7. **Admit.**

8. Call for record and proceedings.

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

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

CRIMINAL APPLICATION (APPA) STAMP NO.2768 OF 2023

11. Heard. Issue notice to the non-applicants, returnable on 10.04.2023.

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

JUDGE

Wagh