

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (APPA) NO. 647 OF 2023**

**IN**

**CRIMINAL APPEAL (STAMP) NO. 4686 OF 2023**

ANKLESH S/O. SHRAWANJI TAIWADE VS. THE STATE OF MAHARASHTRA AND ANOTHER

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Mr. S. G. Joshi, Advocate for applicant/appellant.  
Mr. S. M. Ghodeswar, APP for respondent No.1 State.  
Ms. Mohini Sharma, Advocate for respondent No.2.

**CORAM : URMILA JOSHI-PHALKE J.**

**DATE : 02/08/2023**

Present application is filed for condonation of delay of 18 days, which is caused in preferring the appeal. The applicant has challenged the judgment and order of sentence dated 29/03/2023, passed in Special Criminal Case No.303/2019.

2. As per the contention of the applicant, as he was working as a labour, was not in a position to engage the counsel, he could not arrange money for the expenses and therefore, delay is caused in preferring the appeal.

3. Said application is strongly opposed by the learned APP and learned counsel for respondent No.2.

4. Perused the application. As far as the reasons mentioned in the application is concerned, which shows that the applicant, who is doing the labour work could not arrange money for the expenses for preferring the appeal and therefore, delay is caused.

5. It is well settled that while considering the delay application, liberal approach is to be adopted and not pedantic approach. It is apparent that applicant has explained the delay satisfactorily. Moreover, the applicant has to be given an opportunity to litigate the cause on its own merits.

6. In view of that application deserves to be allowed. Accordingly, the present application is allowed. The delay of 18 days is hereby condoned. Registry is directed to register the appeal as per rules.

7. Application is disposed of.

**CRIMINAL APPLICATION (APPA) NO. 661 OF 2023**

Present application is for seeking suspension of sentence and releasing the applicant on bail. The applicant was prosecuted for the offences punishable under Sections 354-A and 354-D of the Indian Penal Code (IPC) read with Section 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).

2. The learned trial Court after appreciating the evidence held the applicant guilty and sentenced him to suffer Rigorous Imprisonment for one year and to pay fine of Rs.2000/-, further in default Simple Imprisonment for three months for the offence punishable under Section 12 of the POCSO Act. The applicant is also convicted for the offence punishable under Section 354-D of the IPC and sentenced him to suffer Rigorous Imprisonment for one year and to pay fine of Rs.2000/-.

3. Heard learned counsel for the applicant, learned APP for respondent No.1 State and learned appointed counsel for the respondent No.2.

4. The applicant has made out a case, which shows that the applicant has every chance of success in the present appeal, however, the appeal will take its own time for final disposal. In the meantime, if

the sentence is executed the appeal will become infructuous. In view of that, I proceed to pass the following order :-

**ORDER**

(A) The present application is allowed.

(B) The execution of sentence is suspended till the disposal of the appeal.

(C) The applicant be released on bail on he executing PR. Bond of Rs.15000/- (Rupees Fifteen Thousand only) with one surety in the like amount.

5. Appeal be listed **after four weeks**.

[ URMILA JOSHI-PHALKE J. ]