



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

CRIMINAL APPLICATION (APPA) NO.791/2023

Shantaram Tukaram Jichkar and anr. Vs. State of Maharashtra and Ors.

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

Court's or Judge's orders

Mr. R. D. Hajare, Advocate appointed for applicants.
Mr.A. R. Chutke, A.P.P. for non applicant no.1– State.

CORAM : ANIL L. PANSARE, J.

DATE : 29.08.2023

By the present application, the applicants are seeking to condone the delay of 1065 days in filing appeal against judgment and order dated 12.07.2019, passed by learned Additional Sessions Judge – 2, Yavatmal in Special (POCSO) Case No.76/2017, thereby convicting the applicants for the offences punishable under Sections 394, 354, 354-B read with Section 34 of the Indian Penal Code, 1860 and Section 9 read with Section 10 of the Protection Of Children From Sexual Offences Act, 2012. The maximum sentence awarded to the applicants is to undergo seven years rigorous imprisonment.

Learned counsel for the applicants submits that the applicants are in jail and have no means to engage an advocate. He has been recently engaged by the High Court Legal Services Sub Committee, Nagpur and, thereafter, immediately moved this application.

The applicants are convicted by the trial Court. This being the appeal under Section 374(2) of the Criminal Procedure Code, 1973, the convict has right to assail the judgment of conviction before the appellate court.

In view of above and for the reasons set out in the application, the application is allowed. Registry to register the appeal and process accordingly.

The application is disposed of.

Criminal Appeal St. No.4837/2023

Heard.

Admit.

Call record and proceedings.

Learned A.P.P. waives service of notice for the respondent no.1 – State.

Registry to process the appeal accordingly.

(Anil L. Pansare, J.)