



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

CRIMINAL APPLICATION (APPA) NO.837/2023

Vijesh Chandan Maharwade Vs. State of Maharashtra and anr.

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

Court's or Judge's orders

Mr. G. D. Kale, Advocate appointed for applicant.
Mrs.M. H. Deshmukh, A.P.P. for non applicant no.1– State.

CORAM : ANIL L. PANSARE, J.

DATE : 29.08.2023

At the outset, learned counsel for the applicant seeks leave to amend the application.

Leave granted.

Amendment be carried out forthwith.

By the present application, the applicant is seeking to condone the delay of 398 days in filing appeal against judgment and order dated 28.04.2022, passed by learned Sessions Judge, Gondia in Special (POCSO) Case No.57/2017, thereby convicting the applicant for the offence punishable under Sections 376(2)(f), 376(2)(i) and 506 of the Indian Penal Code, 1860 and Section 5(m)(n) punishable under Section 6 of the Protection Of Children From Sexual Offences Act, 2012. The maximum sentence awarded to applicant is to undergo fifteen years rigorous imprisonment.

Learned counsel for the applicant submits that the applicant is in jail and has 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 applicant is 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.5189/2023

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.)