



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

CRIMINAL APPLICATION (APPA) NO.864/2023
Umesh Rakhilal Shil .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. Yash Kullarwar, Advocate for applicant.
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 applicant is seeking to condone the delay of 237 days in filing appeal against judgment and order dated 07.09.2022, passed by learned Special Judge Chandrapur in Special (POCSO) Case No.218/2020, thereby convicting the applicant for the offence punishable under Sections 376AB of the Indian Penal Code, 1860 and Section 6 of the Protection Of Children From Sexual Offences Act, 2012. The maximum sentence awarded to applicant is to undergo twenty 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 applicant and, thereafter, immediately the present application has been moved.

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.5238/2023

Heard.

Admit.

Call record and proceedings.

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

Criminal Application St. No. 5240/2023

Heard.

Issue notice to the non applicant, returnable on 12.09.2023.

Learned A.P.P. waives service of notice for the non applicant – State.

(Anil L. Pansare, J.)