



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

Criminal Application (APPA) No. 809 of 2023

in

Criminal Appeal No. _____ of 2023

[Vijay @ Gabru Kailas Karosiya ..vs.. State of Maharashtra, through PS.O., Raipur, Dist. Buldhana
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. M. V. Rai, Advocate for the applicant/appellant
Mrs. M. H. Deshmukh, APP for the State/non-applicant no. 1

CORAM : ANIL L. PANSARE J.

DATED : 29-08-2023

By the present application, the applicant is seeking to condone the delay of 430 days in filing appeal against judgment and order dated 7-11-2020 passed by learned Additional Sessions Judge, (POCSO Court), Buldana in Special Case No. 48/2019, thereby convicting the applicant for the offence punishable under Section 363 of the Indian Penal Code, 1860 (IPC) and sentencing him to undergo rigorous imprisonment for 7 years and to pay fine of Rs. 1000/-, in default of payment of fine to suffer rigorous imprisonment for one month. He is further convicted for offence punishable under Section 366-A of the IPC and sentencing him to undergo rigorous imprisonment for 10 years and to pay fine of Rs. 1000/-, in default of payment of fine to suffer rigorous imprisonment for one month. He is further convicted for offence punishable under Section 376(2)(j) of the IPC and sentencing him to undergo rigorous imprisonment for 10 years and to pay fine of Rs. 2000/-, in default of payment of fine to suffer rigorous imprisonment for two

months. He is further convicted for offence punishable under Section 376(2)(n) of the IPC and sentencing him to undergo rigorous imprisonment for 10 years and to pay fine of Rs. 2000/-, in default of payment of fine to suffer rigorous imprisonment for one month. He is also convicted for offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentencing him to undergo rigorous imprisonment for 3 years and to pay fine of Rs. 500/- in default of payment of fine to suffer rigorous imprisonment for fifteen days.

None appears for non-applicant no. 2 though served.

Advocate Ms. Falguni Badani is appointed to represent the victim/non-applicant no. 2. Accordingly, letter of appointment be issued to her.

Learned counsel for the applicant submits that the applicant is in jail and had no means to appoint the Advocate. Further he had restrictions of movement and, therefore, he could not collect the documents in time. The applicant has now through his relatives managed to approach the Advocate. Delay has occurred, mainly, because of financial difficulties.

In view of the above and for the reasons set out in the application and considering the fact that the appeal has been filed under Section 374(2) of the Code of Criminal Procedure, 1973, the application is allowed as prayed for.

Registry to register the appeal and process accordingly.

The application is disposed of.

Criminal Appeal No. _____ of 2023

Heard.

Admit.

Call R & P

Learned Additional Public Prosecutor Mr. A. R. Chutake waives service on behalf of the State/respondent no. 1 and learned counsel Ms. Falguni Badani waives service on behalf of respondent no. 2.

Criminal Application (APPA) St. No. 5290 of 2023

Issue notice, returnable on 12-9-2023.

Learned Additional Public Prosecutor Mr. A. R. Chutake waives service on behalf of the State/non-applicant no. 1 and learned counsel Ms. Falguni Badani waives service on behalf of non-applicant no. 2.

(Anil L. Pansare, J.)