



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

CRIMINAL APPLICATION (APPA) NO.851/2023

Sonu Premdin alias Ramji Prajapati .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

Corrected as per Hon'ble
Court's order dated
10.10.2023.

Mr. M. L. Vairagade, Advocate for the applicant present.
Ms S. Haider, A.P.P. for non applicant no.1– State.

CORAM : ANIL L. PANSARE, J.

DATE : 29.08.2023

Mr. M. L. Vairagade, learned appointed counsel for the applicant is absent. It appears that he is not interested in prosecuting the application. He is, therefore discharged.

Mr. Yash Kullarwar, Advocate who is present in the court, is appointed on behalf of the applicant.

The High Court Legal Services Sub Committee, Nagpur is directed to handover the case papers to the learned appointed counsel for the applicant.

By the present application, the applicant is seeking to condone the delay of 126 days in filing appeal against judgment and order dated 06.01.2023, passed by learned Additional Sessions Judge, Nagpur in Special (POCSO) Case No.218/2018, thereby convicting the applicant for the offence punishable under Sections 376(2)(i) 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 ten years rigorous imprisonment.

Learned counsel for the applicant submits that the applicant is in jail and has no means to engage an advocate. The earlier counsel has been recently engaged by the High Court Legal Services Sub Committee, Nagpur 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.5647/2023

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.)