



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

...

CRIMINAL APPLICATION (APPA) NO. 1048/2023

IN

CRIMINAL APPEAL (ST) NO. 7021/2023

Someshwar s/o Mohan Uikey

.. Applicant/s

versus

The State of Maharashtra

.. Respondent/s

.....
Mr.PS.Wathore, Advocate for the applicant

Mr.A. Ghogare, APP for Respondent -State
.....

CORAM: ANIL L. PANSARE, J.

DATED : 23rd October, 2023.

PC:

By present application, the applicant is seeking condonation of delay of 130 days in filing the Appeal against conviction. The applicant has been convicted by the judgment and order dated 08.02.2023 passed by learned Special Judge, Goindua in Spl. (POCSO) Case No.32/2018, for the offences punishable u/ss. 376 (2)(i) of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, sentencing him to suffer RI for ten years.

The learned counsel for the applicant submits that the applicant was working as a labourer and was in jail and, therefore, had restrictions on his movements. Furthermore, he has scanty financial resources. The delay was also caused as the applicant has to collect the documents and engage an Advocate.

Learned APP has opposed the application.

For the reasons stated by the learned counsel and the reasons set out in the application, the Application is allowed as prayed

for. The delay of 130 days in filing the Appeal is hereby condoned. The Appeal be registered.

CRI.APPEAL (ST) NO. 7021/2023

Heard.

Admit.

Call R & P

The R & P be furnished in hard copy as well as soft copy.

Learned APP waives service on behalf of the Respondent-State.

CRI.APPA (ST) NO. 7023/2023

The learned counsel for the applicant shall file copy of deposition on record. Stand over to 31.10.2023.

[ANIL L. PANSARE, J.]

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