



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

CRIMINAL APPLICATION (APPA) NO.933/2023

Kamlesh Ashok Gaidhane (In Jail) .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. Ankit Vastani, Advocate for applicant.
Mr. A. M. Chutke, A.P.P. for non applicant no.1.

CORAM : ANIL L. PANSARE, J.
DATE : 20.09.2023

Non applicant no.2 – Victim is personally present in the Court and prays for legal aid.

Learned counsel Mrs. Hemlata Dhande, is appointed as an Advocate to appear on behalf of the non applicant no.2.

The applicant is directed to hand over the case papers to the learned counsel (appointed) for the non applicant no.2.

By the present application, the applicant is seeking to condone the delay of 19 days in filing appeal against judgment and order dated 04.05.2023, passed by learned Special Judge, POCSO, Bhandara, in Special Case (Child Protection) No. 17/2019, thereby convicting the applicant for the offences punishable under Sections 363, 376(2)(n), 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 learned counsel has been recently engaged by him 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.6248/2023

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.)