

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

CRIMINAL APPLICATION (APPA) NO.1006 OF 2022 IN
CRIMINAL APPEAL STAMP NO.8848 OF 2022

Rajesh S/o Bhonuji Lungse Vs. State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri R. Waghmare h/f Shri Nihalsingh Rathod, Advocate for
applicant.

Shri S.S. Doifode, APP for non-applicant no.1/State.

Ms Chaitali Bhute, Advocate for non-applicant no.2.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 06, 2023.

By this application, the applicant is seeking condonation of delay caused in filing the appeal against judgment and order dated 01.05.2022 passed by the learned Additional Sessions Judge, Yavatmal in Special (Child) Case No.69/2020, thereby convicting the applicant under Section 6 of the Protection of Children from Sexual Offences Act and sentencing him to suffer twenty years rigorous imprisonment with fine amount.

2. Learned counsel for the applicant submits that delay has been caused because the applicant is in jail and has restrictions to communicate with his relatives. He could not give instructions to the counsel in time nor he could collect necessary documents.

3. In view of above and for the reasons set out in the application, the application is allowed. Delay of 96 days

caused in filing the appeal against the judgment and order dated 01.05.2022 passed by the learned Additional Sessions Judge, Yavatmal in Special (Child) Case No.69/2020, is condoned. Appeal be registered.

4. The application stands disposed of.

CRIMINAL APPEAL STAMP NO.8848 OF 2022

5. Heard.

6. **Admit.**

7. Call for record and proceedings.

8. Learned A.P.P. waives notice of hearing for respondent no.1/State.

9. Ms Chaitali Bhute, learned counsel waives notice of hearing for the respondent no.2.

10. Registry to process the appeal for final hearing in accordance with Rules.

CRIMINAL APPLICATION (APPA) NO.8850 OF 2022

11. This is an application under Section 389 of the Code of Criminal Procedure for suspension of sentence and for grant of bail.

12. Heard.
13. Issue notice to the non-applicants.
14. Learned A.P.P. waives notice of hearing for non-applicant no.1/State.
15. Ms Chaitali Bhute, learned counsel waives notice of hearing for non-applicant no.2.
16. Stand over to 20.03.2023.

JUDGE

Wagh