

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2198 OF 2024
IN
CRIMINAL APPEAL (ST) NO.11781 OF 2024**

Nagesh Shिवtambi Koundar Applicant

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Dharmendra Jadhav, Appointed Advocate through Legal Aid Panel, for Applicant.
- Mr. Prashant P. Jadhav, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 19th JUNE, 2024**

P.C. :

1. This application is for condonation of delay of 322 days in filing a Criminal Appeal. The Applicant was the sole accused in Special Case No.352 of 2022 before the Special Judge under the POCSO Act, Dindoshi, Mumbai.

2. Learned Trial Judge vide the Judgment and Order dated 21/04/2023 convicted him for commission of offence punishable u/s 10 of POCSO and sentenced him to suffer

rigorous imprisonment for five years and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer simple imprisonment for six months.

3. He was convicted u/s 354 of the IPC and was sentenced to suffer rigorous imprisonment for three years and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer simple imprisonment for six months.
4. He was convicted u/s 12 of the Protection of Children from Sexual Offences Act 2012 and was sentenced to suffer rigorous imprisonment for one year and to pay a fine of Rs.1,000/- and in default of payment of fine to suffer simple imprisonment for one month.
5. He was acquitted from the charges punishable u/s 376 (AB), 376, 377, 506 of the IPC and u/s 4 and 6 of the POCSO.
6. Learned counsel for the Applicant submitted that the Applicant was in poor financial condition. He could not

immediately approach this Court. Learned counsel was appointed by the Legal Services Authority of this Court. Learned counsel did not receive the papers for quite some time and after pursuing this difficulty, ultimately he could get the papers. In the process there was delay of 322 days in filing the Appeal.

7. Considering these grounds and in the interest of justice, the delay in filing the Appeal is condoned. The Appeal be processed further.

(SARANG V. KOTWAL, J.)