

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

**INTERIM APPLICATION NO.2273 OF 2024
IN
CRIMINAL APPEAL (ST) NO.12323 OF 2024**

Mohd Aarif Akbarali Shaikh Applicant

versus

The State of Maharashtra & Anr. Respondents

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- Mr. Sushan Mhatre, appointed Advocate for Applicant.
- Smt. Sangita D. Shinde, APP for the State/Respondent.
- Mr. Swapnil V. Walve, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 30th JULY, 2024**

P.C. :

1. The Applicant was the accused before the Special Judge, Greater Mumbai under POCSO Act, in POCSO Special Case No.469 of 2019. Vide the Judgment and Order dated 20/11/2023, the Applicant was convicted for offence punishable u/s 363 and 376 of the Indian Penal Code and u/s 4, 6, 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. The major sentence imposed on him was for a period of 10 years. In addition, to pay a fine of Rs.10,000/-.

2. Learned counsel for the Applicant submitted that the Applicant was taken in custody. He did not have any financial resource. Therefore, he could not engage an advocate immediately. He is being represented by a legal aid counsel, who required some time to collect the papers, prepare the Appeal and file it. Therefore, there is delay of 6 months and 22 days in filing the Appeal.
3. Considering these reasons and in the interest of justice, the delay in filing the Appeal is condoned.
4. The Appeal be processed further.
5. Interim Application is disposed of.

(SARANG V. KOTWAL, J.)