

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

**INTERIM APPLICATION NO. 2885 OF 2024
IN
CRIMINAL APPEAL (ST) NO.14480 OF 2024**

Rahul Parshottam Aadiwashi (SOR) ..Applicant.
Versus
The State, UT of Dadra and Nagar Haveli
and Daman and Diu & Anr. ..Respondents

Mr. Vaibhav R. Gaikwad (appointed Advocate) for Applicant.
Ms. Sangita D. Shinde, APP for State/Respondent.
Ms. Amisha Salvi h/f. H. S. Venegavkar for Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 6 AUGUST 2024**

PC :

1. The applicant was convicted by the Special Judge, under the POCSO Act, at Daman, vide his Judgment dated 31.05.2023 in Special Case No.2 of 2020, under Section 376(2)(f)(n) of the I.P.C. and he was sentenced to suffer R.I. for 15 years and to pay a fine of Rs.10000/- and in default to suffer S.I. for six months.

2. Learned counsel for the Applicant submitted that the applicant was not aware of the procedure to file the Appeal challenging his conviction and sentence. The present Appeal is

filed through a legal aid counsel. The applicant took some time to make that request through the Superintendent of the Prison and, therefore, there was a delay of 341 days in filing the Appeal.

3. Learned counsel for the Respondent No.1 opposed condonation of delay on the ground that ignorance of law is not an excuse.

4. Considering these submissions, in the interest of justice and taking into account the fact that the applicant had no means to approach a private advocate and had to file this appeal through the Legal Services Authority of this Court, the delay of 341 days in preferring the Appeal is condoned. The Appeal be processed further.

5. The application is disposed of.

(SARANG V. KOTWAL, J.)