

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

**INTERIM APPLICATION NO.3307 OF 2024
IN
CRIMINAL APPEAL [STAMP] NO.15356 OF 2024**

Micheal Fransis Joseph AnthonyApplicant
Versus
The State of Maharashtra
and another Respondents

Mr. Lokesh Zade, Advocate (appointed) for the Applicant.
Mr. Vinit A. Kulkarni, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 02nd SEPTEMBER, 2024

P.C. :

1. This is an application for condonation of 1 year and 310 days delay in preferring the Appeal.
2. The Applicant was the original accused No.3 in Special Case No.557/2018 before the Special Judge under POCSO Act, Greater Mumbai. The learned Judge, vide her judgment and order dated 13.7.2022, convicted all the three accused for commission of the offence punishable under Section 376-D of IPC, under Sections 6 & 12 of the Protection of Children From Sexual Offences Act, 2012 (for short, 'POCSO

Act'). They were acquitted from the charges of commission of the offence punishable under Section 328 read with 34 of IPC. The major sentence imposed on the Applicant was RI for twenty years.

3. Heard Mr. Lokesh Zade, learned appointed counsel for the Applicant and Mr. Vinit Kulkarni, learned APP for the Respondent-State.

4. Learned counsel for the Applicant submitted that since his arrest from 13.7.2018, the Applicant is continuously in custody. There is no one to look after his interest. Therefore, he had to approach the Legal Services Authority of this Court and present the Appeal. Once he had approached the Legal Services Authority, steps were taken urgently, but, there is delay of 1 year and 310 days in filing the Appeal.

5. Considering these submissions, the delay of 1 year and 310 days in filing the Appeal is condoned. The Appeal be processed further. The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)