



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

CRIMINAL APPLICATION NO.921 OF 2023

(Kalyani Indranarayan Jaiswal Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. K. Jambh, Advocate h/f Mr. V.S. Mishra, Advocate for the appellant.
Mrs. H.N. Prabhu, APP for the State.
Mr. S.U. Dable, Advocate for respondent No.2.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- DECEMBER 18, 2024

By this application, the applicant is seeking condonation of delay which is caused in preferring the appeal against acquittal.

2. Learned Counsel for the applicant submitted that the impugned judgment was passed by the Extra Joint District Judge and Additional Sessions Judge, Nagpur on 21/02/2023 and the copies are received on 02/05/2023. Thereafter the applicant could not prefer an appeal due to the financial restrictions, and therefore, delay is caused.

3. Learned APP and learned Counsel for respondent No.2 strongly opposed the application on the ground that there is no just and reasonable cause for condonation of delay.

4. After hearing both the sides and on perusal of the application it reveals that it is the mother of the victim has preferred this appeal as respondent No.2 is acquitted from the charges levelled against him under the provisions of Protection of Children from Sexual Offences Act, 2012.

5. Considering the reasons mentioned in the application that due to financial restrictions she could not approach to the Counsel and file the appeal, appears to be just and reasonable cause.

6. In view of that, the application deserves to be allowed.

7. Hence, the application is allowed and the delay is condoned.

8. The application for leave to file appeal be registered.

9. Learned APP for the State and learned Counsel for respondent No.2, waive notice.

10. Call for R. and P.

11. Place the matter after three weeks.

(URMILA JOSHI-PHALKE, J.)