



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 863 OF 2023
IN
CRIMINAL APPEAL STAMP NO. 6322 OF 2023

Rakesh s/o Raju Masram Vs State of Maharashtra and another.

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

Court's or Judge's Order

Mr. N.D. Dawda, counsel for the applicant/appellant.
Mrs. M.A. Barbde, APP for respondent/State.
Ms. Chaitali Bhute, counsel (appointed) for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/09/2024.

1. The applicant is seeking condonation of delay caused in preferring the appeal against the conviction.
2. Learned counsel for the applicant submitted that the applicant was convicted for the offence punishable under Section 354(A)(1)(i) of the Indian Penal Code, 1860, Section 8 of the Protection of the Children from Sexual Offences Act, 2012, and sentenced him to suffer rigorous imprisonment for three years.
3. Being aggrieved with the same and he was not aware about further proceedings, he was running pillar to post, and therefore, delay is caused in preferring the appeal. He submitted that the applicant has contacted many counsels, but his appeal was not filed, and he has to make the necessary arrangements also to engage the counsel.

4. Learned APP and learned counsel for non-applicant No.2 strongly opposed the said application on the ground that there is no reasonable or justifiable reason for condonation of delay.

5. After hearing learned counsel for the applicant and learned APP as well as counsel for non-applicant no.2, perused the grounds mentioned in the appeal, which appear to be reasonable and satisfactory one. Moreover, while considering the delay condonation application, the court has to adopt a liberal approach and not a pedantic approach. Considering there is a reasonable and justifiable reason, delay caused of 107 days is hereby condoned.

6. Appeal be registered.

7. After registration of the appeal, appeal be listed before this Court for the admission.

8. Stand over after **three weeks**.

[URMILA JOSHI-PHALKE, J.]