



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

CRIMINAL APPLICATION (APPA) NO. 703 OF 2024

IN

CRIMINAL APPEAL ST. NO. 5980 OF 2024

Mansaram S/o. Parasram Bhilavekar

Vs.

State of Maharashtra, through P.S.O., P.S. Dharni, Amravati

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. Sumit G. Joshi, Advocate (appointed) for the Applicant.
 Ms. H.S. Dhande, APP for the Non-applicant.

CORAM : G. A. SANAP, J.

DATED : 5th AUGUST, 2024.

1. Issue notice to the non-applicant.
2. Learned APP waives service of notice on behalf of the non-applicant.
3. Heard learned advocate for the applicant and learned APP for the non-applicant. Perused the record and proceedings.
4. This is an application for condonation of 159 days delay caused in filing the appeal against the judgment and order dated 27.11.2023.
5. The applicant/accused, on conviction for the offences punishable under Section 376(2)(n) of the Indian Penal Code, 1860 and under Section 4 of the Protection of Children from Sexual Offences Act, 2012, has been sentenced to suffer rigorous imprisonment for 20 years on each count with a fine of Rs.5,000/-.

It is stated that, from the date of his arrest, he has been in jail. He is not financially well off. There is nobody in his family to look after his case. Therefore, he could not file the appeal within time. On receipt of the requests from the accused through jailer, the High Court Legal Services Sub-Committee, Nagpur, has provided the advocate to the applicant/accused to file the appeal.

6. On going through the application, I am satisfied that the reasons are sufficient to condone the delay. If the delay is not condoned, then the substantive right of the accused to challenge the judgment and order would be defeated. As such, the delay is condoned.

7. The appeal be registered.

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8. Heard.

9. **ADMIT.**

10. Issue notice to the respondent.

11. Learned APP waives service of notice on behalf of the respondent.

12. Call for the record and proceedings.

(G. A. SANAP, J.)

Vijay