

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

**INTERIM APPLICATION NO. 1975 OF 2024
IN
LEAVE TO APPEAL (ST.) (ALS) NO. 9081 OF 2024
WITH
LEAVE TO APPEAL (ST.) (ALS) NO. 9081 OF 2024**

The State of Maharashtra	 Appellant/Applicant
V/s.	
Santosh Mohan Ambolkar and anr.	 Respondents

Ms. Sangeeta Phad, APP for the Appellant – State.
Mr. Harshwardhan Milind Pawar i/b. Mr. Satyam Nimbalkar
for Respondent No.1.

**CORAM : SARANG V. KOTWAL AND
SHYAM C. CHANDAK, JJ.**

DATED : 09th SEPTEMBER, 2025

P.C. :-

. This is an Application for condonation of delay of 144 days in preferring the Appeal against the Judgment and Order dated 10/08/2023 passed by the learned Special Judge under POCSO Act, Thane in Special (P) Case No.367/2019.

2) The Respondent No.1 who was the original Accused No.1, was acquitted from the charges of commission of offences punishable under Sections 376AB of the IPC and under Sections 3 r/w. Section 4, Section 7 r/w. Section 8 and Section 11 r/w. Section 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

3) Learned APP submitted that after the judgment was delivered, some time was lost in taking decision and seeking opinion from the Law and

Judiciary Department. After that, the Public Prosecutor's Office received the proposal for filing the Appeal. In all this process, a delay of 144 days was caused in filing the Appeal.

4) Learned Counsel for the Respondent No.1 opposed these submissions. According to him, no grounds are made out for condoning the delay.

5) We have considered these submissions.

6) The reasons given for filing the Appeal belatedly, are mentioned in the Application and are submitted by the learned APP. In the interest of justice, we are inclined to condone the delay. Hence, the following Order :-

(a) The delay of 144 days in filing the Appeal, is condoned.

(b) The Appeal with a prayer for Leave to file Appeal be processed further.

7) Interim Application is disposed of.

8) The Application for Leave to file Appeal be listed on **16/09/2025**.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)

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