

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

**INTERIM APPLICATION NO. 3117 OF 2025
IN
CRIMINAL APPEAL (ST) NO. 16965 OF 2025**

Kailas Sitaram Kharat	...Applicant
Versus	
The State Of Maharashtra And Anr	...Respondents

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Mr. Krishma Joshi i/b Sangram Jadhav, Advocate for the
Appellant/Applicant.

Mr. K.V. Saste, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL &
ADVAIT M. SETHNA, JJ.**

DATE : 22th AUGUST 2025

P.C. :

1. This is an Application for condonation of delay of 92 days in filing the present appeal. The Applicant has been convicted by the judgment and order dated 13th March 2025 passed by the learned Special Judge under P.O.C.S.O Act, Sessions Court, Borivali Division, Dindoshi, Goregaon, Mumbai in POSCO Special case No. 181 of 2015, for offences punishable under Sections 376(2)(i)(n) and 506 of the Indian Penal Code, 1860, as also under Section 4, 5(1)(m) punishable under sections 6 and 8 of the Protection of

Children from Sexual Offences Act, 2012 (“POSCO Act” for short).

The Applicant is in custody from 18 January 2022.

2. Learned Counsel for the Applicant submits that the Applicant comes from a humble financial background and does not have sufficient funds to engage an advocate. This process took some time, but as soon as the advocate was engaged, all the necessary steps for filing the present appeal were initiated and duly pursued by the Applicant. It is also submitted that if the delay is not condoned, the Applicant would suffer grave prejudice.

3. Mr. Saste, learned APP does not seriously object to the Application.

4. In the above circumstances and in the interest of justice, the delay of 92 days in filing the Appeal deserves to be condoned by passing the following order:-

O R D E R

- I. The Application is allowed in terms of prayer clause (a).
- II. The Appeal be processed further.
- III. The Application is Disposed of accordingly.

(ADVAIT M. SETHNA, J.)

(SARANG V. KOTWAL, J.)