

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

**CRIMINAL APPEAL NO. 1034 OF 2023
WITH
INTERIM APPLICATION NO. 3493 OF 2025
WITH
INTERIM APPLICATION NO. 4189 OF 2023
IN
CRIMINAL APPEAL NO. 1034 OF 2023**

Nilesh Kisan Waghe ... Appellant/Applicant
Versus
The State of Maharashtra & Anr. ... Respondents

Ms Syed Shabana Mashkooor, for the Appellant/Applicant.
Ms Sharmila S. Kaushik, APP for the Respondent -State.
Ms Vrushali Maindad, for Respondent No. 2.

**CORAM : MANISH PITALE AND
MANJUSHA DESHPANDE, JJ.**

DATE : 08th DECEMBER 2025

PC. :

. In this appeal, Interim Application No. 3493 of 2025 is filed through jail by the appellant, which is a handwritten application. The appellant has annexed a photocopy of a School Leaving Certificate, which records the date of birth of the appellant as 15th March 2000. On this basis, it is claimed that on the date of the alleged offence, i.e. 10th December 2017, the appellant himself was a minor and therefore, he could not have been convicted for offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO).

2. The learned counsel for the appellant has tendered the original School Leaving Certificate for perusal of this Court. She submits that a copy thereof can be given to the learned APP for verification.

3. We are of the opinion that a copy of Interim Application No. 3493 of 2025 filed by the appellant through jail should also be made available to the counsel for assisting this Court.

4. In view of the above, the Registry is directed to give copies of Interim Application No. 3493 of 2025 to the learned counsel for the appellant as well as the learned APP within one week from today.

5. The original School Leaving Certificate tendered for perusal by the learned counsel for the appellant is returned to the learned counsel.

6. A copy of the same shall be made available to the learned APP for seeking appropriate instructions in the matter for verification of the claim made by the appellant.

7. It is noted that the copy of the School Leaving Certificate is given today itself in Court to the learned APP.

8. Necessary steps in the matter be taken within three weeks from today.

9. List the appeal with pending applications for further consideration 7th January 2026.

(MANJUSHA DESHPANDE, J.)

(MANISH PITALE, J.)