



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 373 OF 2026
IN CRIMINAL APPEAL (STAMP) NO. 942 OF 2026

Tanaji s/o Dagadu Bhise
Age : 21 years, Occ : Labour,
R/o Kanegaon, Taluka Lohara,
District Dharashiv.

... Applicant

Versus

1. The State of Maharashtra
Through the P.I.,
Lohara Police Station,
District Dharashiv.

2. X. X. X. (victim)

... Respondents

.....
Mr. Jaydeed S. Kadam, Advocate for the Applicant.

Mr. V. M. Jaware, APP for Respondent-State.

Mr. Pawan Ippar, Advocate for Respondent No.2 (appointed through
Legal Aid)

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 07.04.2026

Pronounced on : 09.04.2026

ORDER :

1. Present application is for condonation of delay of 640 days caused in preferring appeal against the judgment and order of conviction dated 21.02.2024 passed in Special POCSO Case No. 8 of 2022.

2. It is pointed out that applicant is barely 21 years of age. He was arraigned as accused and tried vide above Special Case and convicted

by judgment and order dated 21.02.2024. That, against said judgment, applicant wants to prefer appeal. That applicant is behind bars since 09.04.2022 and due to his incarceration, he had no access to legal assistance or to obtain certified copy of the judgment so as to prefer appeal within limitation. That, after the judgment, through jail authorities, his relatives were contacted and they had applied for certified copies. That, for obtaining copies for filing appeal, there was no financial backup. All such factors contributed to delay in filing appeal. That, delay is unintentional and rather caused due to above reasons.

3. learned APP opposed on the ground that delay is huge and there is no proper explanation.

4. After considering above submissions and on going through the papers, it seems that, present applicant was tried vide Special POCSO Case No. 8 of 2022 for commission of offence under Sections 376, 376(2)(f), 452, 506 of IPC and for offence under Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012 (POCSO Act). Papers show that, trial ended up in conviction by virtue of judgment dated 21.02.2024.

5. Apparently there is delay of 640 days in filing appeal against above judgment and order of conviction. Applicant has made a statement across the bar that he was arrested and has been in prison from 09.04.2022 i.e. since prior to the judgment and order of conviction dated 21.02.2024, meaning thereby that applicant was not on bail during trial. Thus, he was all throughout in prison during trial. Impugned judgment shows that, after pronouncement of judgment, accused was served with certified copy via email. Reason now stated is that, thereafter steps were taken through relatives to arrange for preferring appeal. Taking the same into consideration, and in the interest of fair opportunity, the delay caused is liable to be condoned. Hence, the following order :

ORDER

The application is allowed. Delay stands condoned. Registry to register the Appeal.

[ABHAY S. WAGHWASE, J.]