

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL (ST) NO. 26645 OF 2025
WITH
INTERIM APPLICATION NO. 4865 OF 2025
IN
CRIMINAL APPEAL (ST) NO. 26645 OF 2025

XYZ through ABC father of Victim ...Appellant

Versus

State of Maharashtra & Ors ...Respondents

Mr Ram Singh, i/b Aditya Subhash Patil, for the Appellant.

Mr Arfan Sait, APP, for Respondent No. 1-State.

Mr Vaibhav Parab, for Respondents Nos. 2 to 5.

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CORAM: R. M. JOSHI, J.

DATED: 9TH FEBRUARY 2026

PC:-

1. This Application is for condonation of delay of 135 days' in challenging the Judgment and Order dated 5th August 2025 passed in POCSO Special Case No. 763 of 2021, whereby the Trial Court has acquitted the accused.
2. Heard learned counsel for both sides.
3. Learned counsel for the Appellant submits that for the reasons mentioned in the application which is duly supported by the medical certificate placed on record of the father of the Appellant, this is a fit case for condonation of delay.

4. Counsel for Respondents/original Accused opposed the application by contending that the appellant is not father of the victim though he poses so.

5. It is his further submission that the medical certificates do not justify the delay causing preferring the Appeal. Lastly it is his submission that the Appellant is not a layman as on the record it can be seen that number of offences are registered against him.

6. This is application for delay condonation. At this stage, this Court is not required to take in to consideration the merits of the case. The issue sought to be raised with regard to the status of the Appellant would be considered at the time of hearing of the Appeal. This Appeal is against order of acquittal in the POCSO case. From the application, it can be seen that the delay has been satisfactorily explained. The documents placed on record indicates that the father of the Appellant is not in good health for a considerable time.

7. In regard to these facts, application stands allowed in terms of prayer clause (a).

8. Appeal be registered.

(R. M. JOSHI, J.)