

(2023) 10 GUJ CK 0063
In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Condonation Of Delay) No. 15501 Of 2023

Ashokbhai Dipsing Nayak

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 19-10-2023

Acts Referred:

Citation : (2023) 10 GUJ CK 0063

Hon'ble Judges : A.S. Supehia, J;Gita Gopi, J

Bench : Division Bench

Advocate : Krunal G Patel, Ronak Raval

Final Decision : Allowed

Judgement

A.S. Supehia, J

1. RULE. Learned Additional Public Prosecutor waives service of notice of Rule for the respondent-State.

2. The present application has been filed for condoning the delay of 446 days in filing the Criminal Appeal against the judgment and order dated 13.12.2021 passed by the learned Special POCSO Judge and Additional Sessions Judge, Morbi, in Sessions POCSO Case No.63 of 2016.

3. Considering the submissions advanced by the learned Advocate for the applicant and the averments made in the application and also as the applicant is in jail and has challenged his conviction, the delay of 446 days in filing the Criminal Appeal against the judgment and order dated 13.12.2021 passed by the learned Special POCSO Judge and Additional Sessions Judge, Morbi, in Sessions POCSO Case No.63 of 2016, deserves to be condoned.

4. The present application is allowed. The delay of 446 days caused in filing of the Criminal Appeal is hereby condoned. Rule is made absolute to the aforesaid extent.