

(2023) 10 GUJ CK 0055

In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Condonation Of Delay) No. 18206 Of 2023 In F/Criminal Appeal No. 36146 Of 2023

Sujitkumar Rambinay Mistry

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 11-10-2023

Acts Referred:

Citation : (2023) 10 GUJ CK 0055

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

Bench : Division Bench

Advocate : Kalpesh M Pandit, Vrunda Shah

Final Decision : Allowed

Judgement

A.S. Supehia, J

1. Rule. Learned APP waives service of notice of rule for the respondent State.
2. The present application has been filed for condoning the delay of 523 days in filling Criminal Appeal against the judgment and order dated 18.9.2020 passed by the learned Special Judge (POCSO), Surat in Special Case (POCSO) no.308 of 2017.
3. Since the applicant-convict is incarcerated in jail and is assailing his conviction and considering the averments made in the application, in the interest of justice, the delay of 523 days in filling Criminal Appeal against the judgment and order dated 18.9.2020 passed by the learned Special Judge (POCSO), Surat in Special Case (POCSO) no.308 of 2017, deserves to be condoned and is hereby condoned.
4. The present application is allowed. Rule is made absolute to the aforesaid extent.