

Bombay High Court Asks Legal Services Authority To Review Pending Cases Where Lawyers Are Not Appointed Despite Prisoners' Requests

2022 LiveLaw (Bom) 424

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

SARANG V. KOTWAL; J.

18th OCTOBER, 2022

INTERIM APPLICATION NO.3104 OF 2022 IN CRIMINAL APPEAL (ST) NO.15443 OF 2022

Dineshkumar Govind Yadav versus State of Maharashtra & Anr.

Mr. Mohansinh U. Rajput, Advocate for Applicant.

Smt. M. R. Tidke, APP for the State/Respondent No.1.

1. The Applicant was convicted by the Special Judge under POCSO, Greater Mumbai, vide his Judgment and Order dated 30/08/2019 passed in POCSO Special Case No.378 of 2015. The Applicant was convicted for commission of offence punishable u/s 376 (D) of the Indian Penal Code and u/s 4 and 8 of the Protection of Children from Sexual Offences Act, 2012. He was sentenced to suffer rigorous imprisonment for 20 years This application is for condonation of delay of 2 years and 316 days in filing the Appeal.
2. Learned counsel for the Applicant invited my attention to the letter dated 20/10/2019, which is at Ex.A of this application, which mentions that the Applicant's financial condition was very poor and he was unable to engage a private advocate.
3. This letter was addressed to the registry of this Court. Pursuant to that letter Mr. Mohansinh U. Rajput, was appointed by the Legal Services Authority of this Court in July 2022. After that the papers were collected. He prepared the Appeal and therefore there is delay of 2 years and 316 days.
4. He submitted that the Applicant is in custody since 28/05/2015 and therefore he was unable to take effective steps in preferring the Appeal.
5. Considering all these submissions, the Applicant has made out the case for condonation of delay in preferring the Appeal. However, the record shows that the Applicant had already requested for appointment of an advocate and had sent a letter in the year 2019 itself. It was unnecessarily kept pending for about more than 2 ½ years. This definitely causes prejudice to such prisoners. Therefore, Legal Services Authority of this Court, is requested to look into this aspect of the matter and to take review all these applications which are pending with them with the co-ordination with the registry of this Court, so that the Appeals are preferred expeditiously.
6. Hence, the following order:

ORDER

- (i) The delay of 2 years and 316 days in preferring Appeal is condoned.
- (ii) The Appeal be processed further.
- (iii) The Legal Services Authority of this Court is requested to take review of such pending cases, where the Advocates are not yet appointed. They can co-ordinate with the Registry of this Court.
- (iv) The Appeal be listed in the category of Appeals from 2019 instead of Appeals from 2022.
- (v) A copy of this order be sent to Legal Services Authority and the Registry of this Court.
- (vi) Interim Application stands disposed of accordingly.