

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

910 CRIMINAL APPLICATION NO. 4429 OF 2015 IN APEALST/629/2015

KAMESH S/O BHIMRAO KATOLE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mrs. R S Kulkarni (Appointed)

APP for Respondents : Miss R. P. Gour

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.

Dated: November 20, 2015

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PER COURT :-

1. Issue notice to respondent. Learned APP waives notice for the sole respondent.
2. This is an application for condonation of delay caused in filing the appeal.
3. The applicant was convicted for an offence punishable under sections 302, 498-A, 504 of the Indian Penal Code and is sentenced to suffer Rigorous Imprisonment for life. The applicant is in jail.
4. It is submitted by the learned counsel for the applicant that the applicant tried his level best to hire private lawyer but due to his financial constraints, he could not arrange for the legal fees and expenses and, as such appeal is not filed.
5. Considering the fact that the applicant is convicted for life and appeal is substantive right, so also, the reasons given in the application, we are inclined to allow the present criminal application.
6. Application is allowed. Delay caused in filing the appeal is condoned.
7. Application is disposed of accordingly.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-