

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPA] No. 412 of 2015
[Mohd. Shabbir Alibaksh (in jail) Vs. State of Mah.]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. U.J. Deshpande, Adv., for the Applicant.
Mr. K.L. Dharmadhikari, APP for respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 09th September, 2015.

This is an application for condonation of delay in filing the appeal. The delay is of 39 days.

Heard learned counsel for the applicant and learned APP for the State.

The Applicant is convicted of offence punishable under Section 307, Indian penal Code, by the learned Additional Sessions Judge, Akola, in Sessions Trial No. 37 of 2014 vide Judgment and Order dated 31st March,

2015, and sentenced to suffer Rigorous Imprisonment for five years and to pay a fine of Rs. 1,000/-, in default, further Rigorous Imprisonment for two months.

After hearing the learned counsel for the applicant and the learned APP, and since the applicant is in jail, his appeal challenging his conviction should not be thrown on the technical ground. Hence the application is allowed. The delay of thirty-nine days in filing the appeal is hereby condoned. Registry is directed to register the appeal.

Application is disposed of.

Judge

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