

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPA] No. 495 of 2015
IN
Criminal Appeal No. of 2015
[Tukaram Ganaji Gatule (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

Ms. Nisha Gajbhiye, Adv., [appointed] for the appellant.

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CORAM : **A.B. CHAUDHARI AND
 P.N. DESHMUKH, JJ.**

DATE : **14th August, 2015.**

This is an application for condonation of delay of nine years and 130 days in filing the appeal against the Judgment and Order of conviction and sentence dated 15th November, 2005, passed by learned Fourth Ad Hoc Additional Sessions Judge, Washim, in Sessions Trial No. 42 of 2005.

Heard learned counsel for the rival parties.

Since the appellant has been in jail after his conviction for offence under Section 302, Indian Penal Code, and sentence of Rigorous Imprisonment for Life, issue notice.

Learned APP Mr. T.A. Mirza waives service.

In view of incarceration of the appellant, we think the reasons given in the application to condone the delay are sufficient. Hence we condone the delay as prayed for in the application in terms of its prayer clause.

Criminal Appeal :

Heard.

Admit. Call R & P.

In view of the fact that this Court is taking the jail appeals of the year 2013, and in view of the fact that the appellant was convicted on 15th November, 2005, and has been in jail, the appellant deserves to be given a precedence over all appeals. Hence office is directed to post this appeal for final hearing at Sr. No. 2 in the next

week. Registrar [Judicial] to contact on telephone the concerned District Judge today and find out the status about existence of R & P. If the R & P is destroyed, usual efforts to re-construct the record with the co-operation of the Prosecutor and the defence counsel and from any other source shall be made.

Judge

Judge

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