

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPA] No. 480 of 2014
[Ramesh Harsingh Pawar (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. D.I. Jain, Adv. [appointed] for the applicant.
Mr. S.S. Joifode, APP for respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 09th September, 2015.

A very disturbing state of affair can be located in the present case.

The Applicant - Ramesh Harsingh Pawar was convicted by the learned Sessions Judge, Buldana, in Sessions Trial No. 30 of 2007 on 27th August, 2007. He was convicted of offence punishable under Section 376(f) of Indian Penal Code and for that he was directed to suffer Rigorous Imprisonment for ten years and to pay a fine of Rs. 1,000/- and in default, Simple Imprisonment for six months.

The applicant was unable to engage any counsel and, therefore, legal aid was provided to the said applicant. From the application under consideration, i.e., the application for condonation of delay, it is clear that the High Court Legal Services Sub-Committee, Nagpur, appointed an Advocate for giving legal aid to him and forwarded the certified copy of the Judgment. The application discloses that the copies of the depositions of the witnesses were not available and, therefore, the said counsel requested the Legal Aid Committee to supply other relevant papers. Those were received by the said counsel in the month of October, 2007. However, the appeal was not filed.

On 11th August, 2014, an application for condonation of delay along with the Memo of Appeal was filed. The reason ascribed in the said application is that though the papers were received in the year 2007, however, those papers were misplaced by the said Advocate and, therefore, he could not file an appeal. The delay was of six years and 305 days.

This matter was listed before me on 3rd September, 2015. After having gone through the application, I appointed another counsel Mr. D.I. Jain to give legal aid. Registry was also directed to supply all the papers to Mr. D.I. Jain.

Today, when the matter was called, Mr. D.I. Jain pointed out the letter given by the Superintendent of Amravati Central Prison to the Establishment Officer of this Court, by which it was informed that the applicant was released on 01st October, 2014 after completion of the jail sentence. The said letter is taken on record and is marked 'X' for the purpose of identification. In that view of the matter, the present application and appeal are disposed of.

However, the Legal Aid Committee should think over while entrusting the matter to the Advocate. The Legal Aid should entrust the matters only to those Advocates who are really interested in furthering the cause of the persons who are in jail and who are unable to engage the counsels on their own.

With this, the application and appeal are disposed of.

Judge

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