

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (APPA) No. 722/2014 in Criminal Appeal No.-----/2015
Smt. Savitribai w/o Narayan Jogdand Vs. State of Mah.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Shri R.M. Daruvala, Advocate (appointed) for the
appellant.

Shri T.A. Mirza, APP for the State.

CORAM : A.B.Chaudhari &
P.N. Deshmukh, JJ.
DATE : March 3, 2015.

Heard the learned counsel for the rival parties.

This is an application for condonation of delay of about
8 years and 276 days in filing the appeal.

This appeal was on Board yesterday and Shri R.M.Daruwala,
the appointed counsel appeared for the appellant and told this Court
that the conviction was recorded by the trial Judge on 17.1.2006 and
since then the appellant is in jail. He submitted that the appeal was not
filed by her earlier and he has received papers recently from the Legal
Aid Committee and, therefore, he has filed appeal.

We have elicited the information from Shri Mirza, the
learned APP, who has stated taken instructions from the Officer and
stated that after conviction and award of sentence, the appellant was
lodged in Amravati Jail where-from she had addressed appeal/petition to

be sent to Varhad Sanstha/NGO for filing appeal. He further submits that Amravati Jail has forwarded her appeal to Varhad Sanstha and it appears that the said NGO did not file appeal.

We direct the concerned Officer present in the Court from the Jail Authority to furnish detailed address of Varhad Sanstha to the Registry of this Court and also place the evidence on record from Amravati Jail about the despatch of the letter petition for appeal made in the year 2006 or after her conviction for being forwarded to this Court.

Looking to the fact that the appellant – Savitribai w/o Narayan Jogdand is a old woman, the mother of Rama daughter of Narayan Jogdand and belonging to the backward area and confined to jail, we are inclined to condone the delay in filing the appeal. Hence, the following order:-

Order

Criminal Application No. 722/2014 is allowed. The delay in filing the appeal is condoned.

Criminal Appeal be registered.

JUDGE

JUDGE

Ambulkar