

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 264 OF 2016
IN
CRIMINAL APPEAL (ST) NO. 166 OF 2016

Shri Sunil Naresh Malkari .. Applicant
vs.
The State of Maharashtra & Anr. .. Respondents

Ms. Racheeta R. Dhuru,i/b. Mr. Avinash Avhad,Advocate for the applicant.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 4th March, 2016.

P.C.

Heard. This is an application seeking condonation of delay in filing the appeal against conviction recoded by the Sessions Judge, Palghar in Sessions case No.18 of 2013, wherein the applicant is convicted for the offence punishable under Section 304(II) of Indian Penal Code and sentenced to suffer R.I. for 7 years vide judgment and order dated 11.9.2014. The delay is of 468 days.

2. The learned counsel for the applicant submits that there is no person to prosecute the case of the appellant. That the appellant who is lodged in jail had no knowledge about the period of limitation for filing the appeal. In addition, due to economic stringency, the applicant could not

approach the High Court for filing an appeal and hence the same has caused delay.

3. Taking into consideration the submissions advanced across the bar, the delay of 468 days is condoned in the interest of justice. The application is allowed in terms of prayer clause (b). Application stands disposed of accordingly.

4. Appeal be listed for admission on 11.3.2016.

(SMT.SADHANA S.JADHAV, J.)