

Nsc.

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

***CRIMINAL APPLICATION NO.804 OF 2016
IN
CRIMINAL APPEAL (ST) NO.465 OF 2016***

Manoj Jaynarayan Yadav

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms.Sushma Nair, for the Applicant.

Ms.M.M.Deshmukh, APP for the Respondent-State.

***CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.***

DATE : 20th DECEMBER, 2016

P.C. :

1. Heard learned counsel for the applicant and the learned APP.
2. The applicant is seeking condonation of delay of 7 years and 2 days in filing the aforesaid appeal.

3. Vide order dated 6th April, 2009, the applicant is convicted for the offence punishable under Section 302 of the Indian Penal Code and sentenced to suffer imprisonment for life and to pay a fine of Rs.5,000/-, in default, to suffer S.I. for one month. The applicant is from the State of Jharkhand and was working as a domestic servant in Mumbai. The applicant did not have any other contacts in Mumbai and hence he was represented in trial by a legal aid lawyer. Though the applicant was convicted by the Sessions Court, he was not aware of his right to appeal on conviction.

4. It is the case of the applicant that recently he came to know about his right to appeal and accordingly approached his lawyer with instructions to file an appeal. Since the right to appeal is an applicant's indefeasible right, we are inclined to condone the delay.

5. Application is accordingly allowed in terms of prayer clause (a). The said delay is condoned.

6. Registry is directed to number the Appeal and place the same for 'admission' on 9th January, 2017.

7. Copy of the above order be placed on record of the Criminal Appeal.

REVATI MOHITE DERE, J.

RANJIT MORE, J.