

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.896 OF 2016
IN
CRIMINAL APPEAL (ST) NO.515 OF 2016**

Shabbir Husain Khan ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**

.....
Smt.Nasreen Ayubi, Advocate for the Applicant.
Ms.V.S.Mhaispurkar, APP for the Respondent/State.
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CORAM : A.M.BADAR J.

DATED : 28th FEBRUARY 2017.

P.C. :

1 This is an application for condonation of delay of 89 days for preferring an appeal challenging conviction of the applicant/accused for the offence punishable under Section 380 read with Section 511 of the Indian Penal Code.

2 Heard the learned counsel appearing for the applicant/accused, as well as, the learned Additional Public Prosecutor. Averments made for seeking condonation of delay are to the effect that the applicant/accused applied for legal aid because of financial constraints and then the appeal came to be filed. This process has caused the delay.

3 Considering the averments made in the application, I am of the view that the applicant was prevented from sufficient cause in not filing the appeal within limitation.

4 Hence, the application is allowed.

5 The delay in lodging the appeal is condoned.

(A.M.BADAR J.)