

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.780 OF 2017

IN

CRIMINAL APPEAL (ST) NO.486 OF 2017

Hussain Abdul Hamid Sayyad ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Badruddin M. Shaikh, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 21st FEBRUARY 2018.

P.C. :

1 This is an application for condonation of delay of 335 days in preferring an appeal challenging conviction of the applicant for offences punishable under Sections 363 and 376 of the Indian Penal Code as well as the resultant sentence.

2 Heard the learned Advocate appearing for the applicant as well as the learned Additional Public Prosecutor appearing for the respondent/State.

3 The applicant, upon his conviction recorded by the learned trial Court on 06/04/2016 is undergoing jail sentence. He was not in a position to file appeal within the period of limitation because of penury and as his son had expired. These reasons, in the light of the fact that the applicant is undergoing jail sentence constitute sufficient cause in not filing the appeal within limitation. Hence, the Order :

ORDER

- (i) The application is allowed.
- (ii) The delay in lodging the appeal is condoned.
- (iii) The application is disposed of accordingly.

(A.M.BADAR J.)