

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 830 OF 2017

IN

CRIMINAL APPEAL (STAMP) NO. 520 OF 2017

Asma Salauddin Khan.

... **Applicant**

V/s.

The State of Maharashtra .

... **Respondent**

.....

Mr. Nasreen S. K. Ayubi, Advocate for the Applicant.

Mr. A. R. Kapadnis, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 7th FEBRUARY 2018.

P.C. :

1. This is an application for condonation of delay of two years and 69 days in filing appeal challenging conviction and resultant sentence imposed on the applicant by learned Trial Court for the offence punishable under Section 370 of IPC.

2. Heard the learned advocate appearing for the applicant/accused. She submitted that because of poverty, the applicant could not file appeal despite her conviction of seven

years and therefore, the Legal Aid Committee of this Court has provided legal aid to the applicant/convicted accused. That is how the appeal is filed with resultant delay.

3. The learned APP opposed the application.

4. Considering the fact that because of poverty, the applicant/convicted accused could not file appeal and ultimately she was provided legal aid by this court, I am of the considered opinion that the applicant was prevented by sufficient cause for not filing the appeal within the limitation. In this view of the matter, the following order is passed.

ORDER

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

(A.M.BADAR J.)