

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO. 907 OF 2018
IN CRIMINAL APPEAL NO. _____ OF 2018

(State of Maharashtra thr. PSO, PS, Warora, Tahsil – Warora, District – Chandrapur vs. Prakash Charandas Nagrale)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : SUNIL B. SHUKRE &
S.M. MODAK, JJ.
FEBRUARY 12, 2019.**

Heard Mrs. M.H. Deshmukh, learned APP for the applicant – State and Shri Apurv De, learned counsel for the non-applicant.

Perused the reply of the non-applicant. The application has been opposed by the non-applicant. According to non-applicant, the explanation given in this application is nothing but after thought and at the time when the application moved for suspension of sentence in the criminal Appeal No. 559 of 2017 was filed by the non-applicant against his conviction, the State never said that an appeal seeking enhancement of punishment was in the offing, though a specific query in this regard was put by the Court to the State.

However, considering the fact that there is a lengthy procedure, which has to be followed by the State machinery before filing of such an Appeal, we are of the view that the delay which has occurred in this case has been

sufficiently explained by the State. That apart, the Appeal filed by the non-applicant against his conviction is also pending for consideration of this Court and according to us, this would supplement the cause shown by the applicant – State for belated filing of appeal.

In this view of the matter, we are inclined to allow the application and it is allowed accordingly. Delay is condoned. Appeal be registered.

CRIMINAL APPEAL NO. _____ OF 2018

Heard.

Issue notice before admission to the non-applicant, returnable on 26.02.2019.

JUDGE

JUDGE

*GS.