

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

**CRIMINAL APPLICATION NO. 1187 OF 2020
IN
CRIMINAL APPEAL [ST] NO. 385 OF 2020**

Raosaheb Rama Nikam

.... Applicant

Versus

The State of Maharashtra

...Respondent

.....

Shri. Pramod N. Nagargoje, Advocate h/f Shri. D. B. Thoke, Advocate
for the applicant

Shri. S. D. Ghayal, APP for respondent/State

.....

**WITH
CRIMINAL APPLICATION NO. 1188 OF 2020
IN
CRIMINAL APPEAL [ST] NO. 385 OF 2020**

Raosaheb Rama Nikam

.... Applicant

Versus

The State of Maharashtra

...Respondent

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for the appellant
Shri. S. D. Ghayal, APP for respondent/State
.....

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

DATE : Friday, the 9th OCTOBER, 2020

PER COURT : -

1. The appellant/applicant has been convicted for having committed an offence under Section 302 of the Indian Penal Code and has been sentenced to suffer imprisonment for life and pay a fine of Rs. 50,000/-, in default of which, to suffer simple imprisonment for a term of three and half years, vide the impugned Judgment dated 07.01.2020 delivered by the learned Additional Sessions Judge, Jalgaon in Sessions Case No. 82 of 2017.

2. Criminal Application No. 1187 of 2020 has been preferred for seeking condonation of 08 days delay caused in filing the appeal. We have heard the learned Advocate Shri. Pramod N. Nagargoje for the applicant and learned APP, who has strongly opposed the application.

3. We do not find that the delay of 08 days could be branded as being deliberate or inordinate. If the delay is not condoned, the applicant would lose a valuable right of questioning his conviction. As such, this application is allowed and the delay of 08 days stands condoned. Consequentially, the Criminal Appeal shall be registered.

4. On registration of the appeal, same stands Admitted. Call for record & proceedings in Sessions Case No. 82 of 2017 decided by the learned Additional Sessions Judge, Jalgaon on 07.01.2020.

5. Issue notice to the respondents in Criminal Application No. 1188 of 2020, vide which the applicant seeks suspension of sentence and prays for bail. The learned APP waives service of notice and submits that the record & proceedings may be called for.

6. Stand over to 22.10.2020.

7. The applicant is at liberty to place on record the copies of the exhibited documents and the testimony of witnesses, with proper pagination in continuation.

[B. U. DEBADWAR]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE