

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1737 OF 2020
IN CRIMINAL APPEAL ST.NO.512 OF 2020

THE STATE OF MAHARASHTRA
VERSUS
PRALHAD LAXMAN TODE

Mr.R.V.Dasalkar, APP for the applicant.
Mr.P.S.Koshti, Advocate for the respondent.

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

DATE : 06/11/2020

PER COURT :

1. We have heard the learned Prosecutor on behalf of the State and the learned Advocate on behalf of the respondent/convict. Delay of 984 days has been caused by the State in preferring the appeal seeking enhancement in sentence.

2. The learned Advocate for the convict has strenuously opposed the application for condonation of delay. He submits that the delay is not well explained. The delay is almost of 3 years. An irreparable harm and grave prejudice would be caused to the accused if the delay is condoned.

3. Having perused the reasons set out in the application and

having considered the submissions of the learned Prosecutor and the learned Advocate, we find that though the delay appears to be a bit large, it cannot be termed as being inordinate or deliberate. Laches are not attributable to the conduct of the State which has taken time on account of its procedural obstacles in filing the appeal. The appeal preferred by the convict has already been admitted. He has been sentenced to life imprisonment for an offence proved to have been committed punishable u/s 302 of the IPC.

4. As such, this application is allowed. The delay of 984 days is condoned.

5. The appeal preferred by the State is **Admitted**. The learned advocates waive service of notice.

6. List Criminal Appeal No.211/2019 with Criminal Appeal Stamp No.512/2020 on 22/01/2021.

7. Since the appeal paper book and R & P is already received by this Court, the learned Prosecutor and the learned Advocate would be ready for a final hearing.

(**B.U.DEBADWAR, J.**)

(**RAVINDRA V. GHUGE, J.)**