

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

CRIMINAL APPLICATION NO.2029 OF 2019
IN
CRIMINAL APPEAL (STAMP) NO.623/2019
WITH
CRIMINAL APPLICATION NO.2030 OF 2019
IN
CRIMINAL APPEAL (STAMP) NO.623 OF 2019
WITH
CRIMINAL APPEAL (STAMP) NO.623 OF 2019

BHIMRAO S/O. BHAGWAN BANSOD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for the Applicant/ Appellant : Shri S.J.Salunke
APP for the Respondent/ State : Smt.P.V. Diggikar
...

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

DATE :- 18th December, 2020

Per Court :-

(a) Criminal Application No.2029/2020:-

1. Shri Salunke, learned advocate, has appeared on behalf of the applicant/ appellant in place of earlier advocate late Shri Nanasaheb Shinde.
2. We have heard the learned advocate for the applicant and the learned prosecutor.

3. By this application, the applicant seeks condonation of 21 days' delay caused in filing the Criminal Appeal vide which, he seeks to challenge his conviction and sentence by judgment dated 30.03.2019 delivered by the learned Additional Sessions Judge, Ambajogai in Sessions Case No.62/2015.

4. The learned prosecutor has opposed the application contending that the delay is not properly explained.

5. The learned advocate for the applicant submits that the delay is minor and if the same is not condoned, the doors of litigation would be closed on the applicant, who would never be able to challenge his conviction and sentence to suffer life imprisonment.

6. Considering the settled law, we are of the view that the delay of 21 days is neither inordinate nor deliberate. As such, this Criminal Application No.2029/2020 is allowed. Delay of 21 days is condoned. We are not imposing costs as the applicant is presently serving out the jail sentence.

(b) Criminal Appeal (Stamp) No.623/2019:-

7. Criminal Appeal be registered and the notice be issued to the respondent returnable forthwith. The learned prosecutor waives service of notice on behalf of the respondent/ State. Heard the counsel for the parties.

8. Keeping in view that the appellant has challenged the impugned judgment vide which he has been sentenced to suffer life imprisonment for having committed an offence punishable under Section 302 of the Indian Penal Code, this appeal is ADMITTED. The learned prosecutor waives service of notice on admission.

9. The learned Additional Sessions Judge, Ambajogai is requested to prepare the appeal paper book in Sessions Case No.62/2015 decided on 30.03.2019, on or before 30.06.2021 and transmit the same along with the original record and proceedings, to this Court on or before 31.07.2021.

(c) Criminal Application No.2030/2019:-

10. The learned advocate for the applicant/ appellant submits that he desires to place on record the copies of the testimonies of all witnesses and relevant documents since he would be seeking suspension of sentence and bail vide this criminal application.

11. In view of the above, liberty, as is sought, is granted. If the above stated documents are filed on or before 08.01.2021, list Criminal Application No.2030/2019 for hearing on 13.01.2021.