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

**CRIMINAL APPLICATION NO.2188 OF 2020
IN/WITH
CRIMINAL APPEAL (ST.) NO.3217 OF 2020**

Chandrakant @ Datta Machindra Surwase

..APPLICANT/
APPELLANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr A. V. Patil (Indrale), Advocate for applicant/appellant;
Mr K. S. Patil, A.P.P. for respondent

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

DATE : 9th December, 2020

PER COURT:

1. By this application, the applicant - original accused No.1, prays for condonation of delay of 702 days caused in filing the criminal appeal.

2. The learned Advocate for the applicant submits that this matter has been entrusted to him by an order of this Court (through the High Court Legal Services Sub-Committee, Aurangabad). He further submits that accused No.1 has been convicted for an offence punishable under Sections 363, 366(A), 344, 346 and 506 read with Section 34 of the Indian Penal Code. He has also been convicted for

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an offence punishable under Section 376 (2) (i) (n) of the Indian Penal Code. As such, he has been sentenced to suffer rigorous imprisonment for life. Penalties of different amounts have also been imposed upon him. If the delay is not condoned, the doors of litigation would be closed for him.

3. The learned APP has opposed this application contending that the delay has not been properly explained.

4. We find that the applicant has been in jail since 25th April, 2018. Though the delay appears to be a bit large, no laches can be attributed to the conduct of the applicant. The delay does not appear to be inordinate or deliberate. If the delay is not condoned, the applicant would have to suffer the sentence imposed upon him and would be remediless as against the impugned judgment of the Trial Court, dated 01-11-2018.

5. Considering the above, this application is allowed and the delay of 702 days is condoned. We are not imposing costs as the applicant is undergoing rigorous imprisonment for life.

6. The appeal be registered.

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7. The appellant shall add the original complainant as respondent No.2. Addition be carried out on or before 16-12-2020. After addition of parties, issue notice to the respondents, returnable on 22nd January, 2021. The learned APP waives service for respondent No.1.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

sjk