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

**CRIMINAL APPLICATION NO.1946 OF 2020
WITH
CRIMINAL APPLICATION NO.1947 OF 2020
IN/WITH
CRIMINAL APPEAL (ST.)NO.2482 OF 2020**

Pappya @ Salim Khwaja Shaikh & ors. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr S. R. Sapkal, Advocate for applicants;
Mr K. S. Patil, A.P.P. for respondent

**WITH
CRIMINAL APPLICATION NO.2511 OF 2018
IN
A.L.P. NO.... OF 2018
WITH
CRIMINAL APPLICATION NO.2476 OF 2018
IN/WITH
CRIMINAL APPEAL (ST.) NO.635 OF 2018**

Vilas Pandharinath Gondkar ..APPLICANT

VERSUS

The State of Maharashtra & ors. ..RESPONDENTS

Mr K. S. Patil, A.P.P. for respondent/State

**WITH
CRIMINAL APPLICATION NO.2239 OF 2018
WITH
CRIMINAL APPLICATION NO.2240 OF 2018
IN/WITH
CRIMINAL APPEAL (ST.) NO.569 OF 2018**

Sameer Nijam Sayyed ..APPLICANTS

VERSUS

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The State of Maharashtra

..RESPONDENTS

Mr K. S. Patil, A.P.P. for respondent/State

**WITH
CRIMINAL APPLICATION NO.2322 OF 2018
WITH
CRIMINAL APPLICATION NO.2323 OF 2018
IN
CRIMINAL APPEAL (ST.) NO.592 OF 2018**

Rahim s/o Munawar Pathan & anr.

..APPLICANTS

VERSUS

The State of Maharashtra

..RESPONDENT

Mr K. S. Patil, A.P.P. for respondent/State

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

DATE : 1st December, 2020

PER COURT:

1. Insofar as Criminal Application No.1946 of 2020, Criminal Application No.2239 of 2018 and Criminal Application No.2322 of 2018 are concerned, we have heard Shri. Sapkal, learned Advocate for the applicants in Criminal Application No.1946 of 2020. Shri. Shejwal and Shri Malte, learned Advocates for the applicants in Criminal Application No.2239 of 2018 and Criminal Application No.2322 of 2018, respectively, who were present at the first call, are not available when these matters are called out after a pass-over.

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2. In these three applications, delay of 840 days, 55 days and 79 days, respectively, has been caused by the said applicants in preferring their appeals before this Court. In all these applications, the applicants are convicted and have preferred their appeals for challenging their conviction and sentence. All these applicants are in jail.

3. The learned Prosecutor has strenuously opposed these applications. Insofar as Criminal Application No.1946 of 2020 is concerned, the learned Prosecutor vehemently submits that delay of 840 days is enormous and inordinate. No satisfactory explanation has been put forth by the applicants. The delay as large as 840 days cannot be easily condoned unless proper explanation is put forth. In the other two matters, delay is of 55 days and 79 days, respectively.

4. We have perused the averments put forth by these applicants in their applications and we have heard Shri. Sapkal. Insofar as the other two applications are concerned, the delay is minor. Insofar as Criminal Application No.1946 of 2020 is concerned, it is contended that the applicants are behind bars. They are in serious financial difficulties. Ever since their date of arrest, they have been in jail even during trial. If the delay is not condoned, they would lose a valuable right of challenging their conviction and would not be able to assail

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their conviction before any Court.

5. Considering the above and taking into account the peculiar circumstance of these convicts being in jail for a long time and taking note of the fact that if the delay is not condoned, these applicants would not be able to challenge their conviction, these applications seeking condonation of delay are allowed without costs, as all these convicts are behind bars.

6. Appeals be registered. In all these appeals, issue notice to the respondents for admission. Learned A.P.P. waives service on behalf of the State.

7. Issue notice to the respondents in Criminal Application No.2511 of 2018, Criminal Application No.1947 of 2020, Criminal Application No.2476 of 2018, Criminal Application No.2240 of 2018 and Criminal Application No.2323 of 2018, returnable on 15-01-2021.

8. Learned A.P.P. waives service on behalf of the State.

9. Besides Court notice, private service by legally permissible modes is permitted. The service affidavit and copies of the tracking report obtained through the India Post website shall be placed on record. Needless to state that notice shall be issued only to those

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parties who are arrayed as respondents in addition to the State of Maharashtra.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

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