

Sachin
R. Patil

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by Sachin R. Patil
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION STAMP NO. 1027 OF 2020
IN
CRIMINAL APPEAL STAMP NO. 345 OF 2020

Prakash L Pandey

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr Karl P Rustomkhan i/by Mr Rahul S Arote for the Applicant.
Mr H J Dedhia, APP, for the Respondent – State.

CORAM : PRASANNA B. VARALE &
V.G. BISHT, JJ.

DATE : OCTOBER 08, 2020.

PER COURT :

1. Heard learned Counsel appearing for the Applicant and learned APP appearing for Respondent - State.
2. This Court vide order dated 25th September, 2020, issued notice to the Respondent – State and making the same returnable on 08th October, 2020 by referring to certain peculiar circumstances in that order.

3. In response to notice, an affidavit-in-reply is filed through Shri Harshad Bhikanrao Ahirrao, Superintendent of Prisons, Thane Central Prison, Thane.

4. In paragraph 4 of the affidavit-in-reply a ground is raised to oppose the application submitting that the Applicant was well aware of the decision of the Trial Court and had sufficient time to take appropriate steps for preferring an Appeal through jail.

5. It is submitted in the affidavit-in-reply that the Applicant failed to prefer a Appeal till 21st March, 2015 and on 22nd March, 2015 the Applicant was transferred to Siddhwada Prison Dehradun, Uttarakhand. Even when the Applicant was lodged in Siddhwada Prison Dehradun, Uttarakhand he made no attempts to take any steps nearly five years. Thus, no good grounds are raised to condone the delay of 4 years and 306 days in preferring the appeal.

6. Per contra, learned Counsel appearing for the Applicant vehemently submitted that as the Applicant was lodged initially in a prison in State of Maharashtra and thereafter, was shifted to prison in State of Uttarakhand. Due to financial constraint the family members

were not in a position to provide any assistance to the Applicant as well the Applicant not been very conversant with legal niceties and failed to take necessary steps and he could take steps only after an assistance being provided through his friend Mr Sachin Rajaram Andre.

7. Learned Counsel for the Applicant then submitted that various grounds are raised in the Appeal to submit before this Court that the learned Trial Court failed to appreciate the evidence in proper perspective and the Applicant is having every hope of success in Appeal. Thus, learned Counsel for the Applicant prayed for condonation of delay.

8. Considering the grounds raised in the Application as well as oral submissions of the learned Counsel for the Applicant and considering the fact that the Applicant is availed legal remedy by preferring an Appeal by approaching this Court, we are inclined to allow the Application for condonation of delay.

9. Accordingly, Interim Application is allowed subject to condition that Mr Sachin Rajaram Andre to submit his detailed address as well as Cell Phone number to Air Port Police Station Authority, D.C.B.

CID, Extortion Cell, Mumbai and Marine Drive Police Station in-charge officer along with Cell Phone number and detailed address of one of his near relative within one week from today. In case, Mr Sachin Rajaram Andre is moving out of Pune City he should intimate the date of his departure and his approximate date of arrival to the police authorities i.e. Air Port Police Station Authority, D.C.B. CID, Extortion Cell, Mumbai and Marine Drive Police Station. Accordingly, Interim Application is allowed and disposed of.

10. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(V.G. BISHT, J.)

(PRASANNA B. VARALE, J.)