

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO. 356 OF 2020 IN
CRIMINAL APPEAL NO. OF 2020

Sk. Irfan s/o Sk. Rahim

..vs..

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri B.L. Borikar, Advocate for applicant/appellant.
Ms. G.R. Tiwari, A.P.P. for respondent-State.

CORAM : VINAY JOSHI, J.
DATED : 22/09/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. This is an application for condonation of delay caused in challenging the order of conviction passed by the Sessions Court in Special Criminal (NDPS) Case No. 16 of 2015. The applicant canvass that due to poor financial condition and current Pandemic COVID-19 situation, the applicant was unable to file appeal within the statutory period.

3. Learned A.P.P. objected to condone the delay by stating that near-about 300 days delay has been occurred.

4. The appellant was convicted by the Trial Court and was sentenced to suffer rigorous imprisonment for two years and to pay fine of Rs.20,000/- for the offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act. The Convicted accused has statutory right to file appeal under Section

374 of the Code of Criminal Procedure. It is settled law that while considering the application for condonation of delay filed by the convicted accused, the Court should adopt liberal approach.

5. Having regard to the reasons stated in Paragraph 3 and 4 of the application, the delay stands condoned. Criminal Applications stands disposed of accordingly.

CRI. APPEAL NO. _____ OF 2020

Heard.

ADMIT.

2. Learned A.P.P. waives service of notice on behalf of the State.

3. It is brought to the notice that, R & P has already been received in connected Appeal No. 17 of 2020.

CRI. APPLICATION NO. _____/2020

The applicant has applied for suspension of substantive sentence.

2. Issue notice, returnable on 29.09.2020.

3. Learned A.P.P. waives service of notice on behalf of the respondent-State.

4. Put up with connected Criminal Appeal No. 17 of 2020 on 29.09.2020.

5. This order be communicated to the Counsel appearing for the parties, either on the email address or on WhastApp or by such other mode, as is permissible in law.

JUDGE