

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

CRIMINAL APPLICATION NO. 491 OF 2020

Shri Kishor s/o Waku Ivhane

..vs..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri G.S. Shegaonkar, Advocate (Appointed) for the
appellant/applicant. (Absent)
Shri S.D. Sirpurkar, A.P.P. for respondent-State.

CORAM : VINAY JOSHI, J.

DATED : 08/12/2020

The appellant is seeking for condonation of delay of 9 months and 9 days caused in preferring this appeal.

2. The appointed Counsel for the appellant is absent. Heard learned A.P.P. appearing for the respondent.

3. The appellant has been convicted by the Sessions Court for the offence punishable under Section 304 part II of the Indian Penal Code and sentenced to suffer rigorous imprisonment for 10 years along with fine of Rs.500/-.

4. By virtue of said order of conviction, the appellant is in jail from last one year. Since the appellant was not sound enough to engage an Advocate, High Court Legal Aid Sub Committee, Nagpur has appointed the Advocate who has filed this Appeal. The appellant has canvassed the reason of poverty as a cause for delay. The said reason itself is sufficient to condone the delay.

5. It is always advisable to decide the appeal on merit when particularly, the appellant is convicted for a

term of 10 years. In view of that, delay stands condoned.

6. The Criminal Application stands allowed and disposed of accordingly. Appeal be registered.

CRIMINAL APPEAL NO. _____/2020

Heard.

2. **ADMIT.**

3. Issue notice to the respondent, returnable after four weeks.

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

5. It is noticed that though the Appointed Advocate G.S. Shegaonkar is absent. The Secretary of High Court Legal Aid Sub Committee, Nagpur is directed to inform Advocate G.S. Shegaonkar to appear on next date or if, he is not interested may appoint another Advocate from the Panel.

6. Stand over for four weeks.

JUDGE

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