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

919 CRIMINAL APPLICATION NO.312 OF 2021
IN APEALST/860/2021

**RAYAKYA VAHARYA PADVI AND ANR
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr Avinash R. Borulkar, Advocate (appointed) for applicants;
Mr S. J. Salgare, A.P.P. for respondent

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

DATE : 17th March, 2021

PER COURT:

1. This matter has been entrusted to the learned Advocate Shri. Borulkar through the High Court Legal Services Sub-Committee, Aurangabad. The applicants have been convicted by the Judgment dated 14/03/2018, delivered by the learned Additional Sessions Judge, Shahada, in Sessions Case No.69 of 2014 and he has been held guilty of committing an offence punishable under Section 302 read with Section 34 of the Indian Penal Code. They have been sentenced to suffer life imprisonment.

2. Considering the above, the delay of 995 days has been caused in filing this application on 02/02/2021. If the period of COVID-19 National Lock-down from 24/03/2020, till the relaxation of restrictions

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and unlocking on 01/02/2021 is considered, the period of delay would be further reduced.

3. We do not find any laches or oblique motives attributable to the conduct of the applicants. If the delay is not condoned, they will lose an opportunity of challenging their conviction and the life sentence.

4. As such, this application is allowed. The delay is condoned. We are not imposing costs since the applicants are serving out their sentence.

5. Since there are no objections in the appeal, the appeal is **“ADMITTED”**. The learned Prosecutor waives service of notice on admission.

6. We request the learned Additional Sessions Judge, Shahada to prepare the appeal paper book in Sessions Case No.69 of 2014, as expeditiously as possible and preferably on or before 31/07/2021 and transmit the same along with the original record and proceedings and the Muddemal property, if any, so as to reach this Court by 30/09/2021.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

sjk