

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

5 CRIMINAL APPLICATION NO.1890 OF 2021
IN
CRIMINAL APPEAL ST NO. 5641 OF 2021

GULABRAO SHANKARRAO MHASKE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Bagdiya Vishal A
APP for Respondent : Mr. S P Deshmukh

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CORAM : V.K. JADHAV & SHRIKANT D. KULKARNI, JJ.
Dated: August 30, 2021

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PER COURT :-

1. Heard.
2. Issue notice to the respondent/State. The learned APP waives notice for the respondent State.
3. The learned counsel for the applicant submits that the applicant who is the Karta of the family, is behind the bars since his arrest in connection with the present crime. As per the prosecution case, the applicant allegedly committed murder of his wife and daughter. Thus, in the family only old aged mother of the applicant and one another daughter of the applicant

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remained. Further said daughter is the prosecution witness. There was no one in the family to prefer an appeal within time. Learned counsel for the applicant submits that, the applicant came to be released on Covid Emergency Parole before one month of this year and the applicant came to know that no appeal against the judgment and order of conviction passed against him has been preferred.

4. We have also heard the learned APP for the respondent State.

5. It appears that the applicant is the sole accused tried for the offence punishable under section 302 of the Indian Penal Code for having committed the murder of his wife and daughter and the learned Additional Sessions Judge, Hingoli in Sessions Trial no.50 of 2015 by judgment and order of convicted dated 30.1.2018 convicted the applicant/accused under section 302 of the IPC and sentenced him to suffer rigorous imprisonment for life for for the offence punishable under section 302 of the IPC for each of murder and to
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pay fine of Rs.10,000/- on each count. In default to suffer R.I. for one year each. Learned counsel for the applicant/accused submits that, the applicant has hope of success in appeal. In view of the same, the applicant/accused should get one opportunity by way of filing the appeal to re-assess the evidence. Though delay is inordinate one, however, considering the above stated facts, we are inclined to condone the delay. Hence, following order.

ORDER

1. Application is allowed in terms of prayer clause 'B'.
2. Criminal application is accordingly disposed off.

(SHRIKANT D. KULKARNI, J.) (V.K. JADHAV, J.)

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