

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 CRIMINAL APPLICATION NO.2020 OF 2021

SATYAWAN VITTHAL KHANDEKAR
VERSUS
THE STATE OF MAHARASHTRA

Mrs.A.N. Ansari, Advocate for the applicant.
Mr.R.B. Bagul, APP for the respondent/State.

CORAM : SURENDRA P. TAVADE, J.
DATED : 27.09.2021

PC :-

01. Perused the application. The application is for condonation of delay in paying costs awarded as per order in O.M.C.A.No.47 of 2012 dated 01.10.2015. It is contended that the applicant was convicted for the offence punishable under section 309 of the Indian Penal Code and he was convicted and released on bond under the Probation of Offenders Act. There was delay in preferring appeal. Hence, he made an application for condonation of delay, which is allowed on costs of Rs.1000/-, but he did not deposit the costs within time. As he has changed his job as well as his residence and he was shifted to Mumbai, Pune in search of job, therefore he could not pay costs in time. He had applied for condonation of delay, but said application came to be rejected. Said order is impugned in this application.

02. Heard learned Counsel for the petitioner and learned APP on behalf of the State. It appears that the applicant

was Class IV employee in the District Court. He was convicted for the offence punishable under section 309 of the IPC. He has been removed from service. The conviction would be a stigma to his career to seek employment in State Government or in any other employment. Therefore, the applicant is entitled to challenge the said order. He was allowed to file appeal but due to failure on his part to deposit costs, he was not allowed to prefer appeal. To meet the ends of justice and considering the reasons stated in paras 3 and 4 of the application, the application is required to be allowed. Hence, I pass following order :-

O R D E R

- 1) The application is allowed.
- 2) The applicant is allowed to deposit Rs.1000/- (Rupees One Thousand) as per order dated 01.10.2015 passed in O.M.C.A.No.47 of 2012, within four weeks from today.
- 3) On depositing the costs, the appeal be registered.

[SURENDRA P. TAVADE,J.]