

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Amk

**INTERIM APPLICATION NO. 196 OF 2021
IN
APPEAL (STAMP) NO. 1153 OF 2021**

Shaym Sahadev Yasnalkar .. Applicant
Vs.
The State of Maharashtra & Anr. .. Respondents

Mr. Vivek N. Arote i/b Mr. Nihal M. Mansuri for the Applicant.
Mr. Vikrant B. Bhinde for Respondent No.2.
Mrs. S. D. Shinde, APP for the Respondent-State.

CORAM : S. S. SHINDE & MANISH PITALE, JJ.
DATE : 16th MARCH, 2021.

P. C. :

1. This Application is filed for condonation of delay in filing the Appeal under Section 14 A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. Learned Counsel appearing for the Applicant invites our attention to the averments made in the Application and submits that by causing delay in filing the Appeal, the Applicant has not gained any undue advantage on the contrary applicant remained in jail. Therefore, he submits that the Application may be allowed.

2. Learned Counsel appearing for the contesting Respondent submits that, there is inordinate delay of 615 days and there is no proper explanation offered by the Appellant, therefore, the delay may not be condoned.

3. Learned APP submits that there is inordinate delay in filing the

appeal, therefore, the Application for condonation of delay may be rejected.

4. Upon appreciating the rival submissions and perusal of the averments made in the Application for condonation of delay, we are of the opinion that merely there is delay of 615 days is no ground to reject the Application for condonation of delay. The Applicant is in jail and the Appeal is filed with prayer to release the Appellant on bail. By causing delay in filing the Appeal, the Applicant has not taken any undue advantage, on the contrary he is in jail.

5. In that view of the matter, the Application is allowed in terms of prayer Clause (a).

6. Interim Application stands disposed of.

7. Learned Counsel appearing for 2nd Respondent submits that the co-accused has filed Appeal (No. 587 of 2019) which is pending. The same may be tagged with the present Appeal.

8. Registry is directed to place Appeal No. 587 of 2019 with the present Appeal on board for hearing on 24.03.2021.

[MANISH PITALE, J.]

[S. S. SHINDE J.]