

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 675 OF 2021  
IN  
CRIMINAL APPEAL {STAMP} NO. 3461 OF 2021

Namdev Jamlu Rathod

...Applicant

**Versus**

The State of Maharashtra

...Respondent

\*\*\*

Mr. Shailesh S. Kharat for the Applicant.

Mrs. M.M. Deshmukh, APP, for the Respondent – State.

\*\*\*

CORAM : PRASANNA B. VARALE &  
SURENDRA.P. TAVADE, JJ.

DATE : APRIL 29, 2021.

PER COURT :

1. Learned Counsel appearing for the Applicant submitted that the appellant was charged for commission of offence under Section 302 and 201 of the Indian Penal Code and Learned Sessions Judge, Solapur vide judgment and order dated 17<sup>th</sup> January, 2019, in Sessions Case No. 174/2016 awarded the conviction and sentence to the applicant.

2. By inviting our attention to the grounds raised in the application and more particularly, at paragraph 4, learned Counsel submitted that the applicant was unable to take appropriate steps so as to engage the applicant

and file appeal within reasonable period due to financial difficulties and the appeal could be filed only after making certain arrangements. The delay of 2 years and 25 days caused in filing the appeal is due to purely bonafide and unintentional reason is the submission of learned Counsel. Learned Counsel then submitted that the applicant raised substantial grounds in paragraphs and have every hope in success in appeal.

3. Learned APP opposed the application.

4. In view of the submissions of learned Counsel and for the reasons stated in the application, the application is allowed. The delay in filing the appeal is hereby condoned.

( SURENDRA.P. TAVADE, J.)

(PRASANNA B. VARALE, J.)