

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1345 OF 2021
IN
CRIMINAL APPEAL STAMP NO. 7634 OF 2021
WITH
CRIMINAL APPEAL STAMP NO. 7634 OF 2021

FR STAN SWAMY

...Applicant

Versus

The State of Maharashtra

Through National Investigation Agency

...Respondent

...

Mr. Mihir Desai, Senior Advocate i/by. Mr. Mihir Joshi for Appellant.

Mr. Sandesh Patil a/w Mr. Chintan Shah for Respondent-NIA.

Mr. J.P. Yagnik, APP for State.

...

**CORAM : S. S. SHINDE &
MANISH PITALE, JJ.**

DATE : 4th MAY, 2021.

P.C.:

1. Mr. Mihir Desai, learned Senior Advocate appearing for appellant prays for leave to amend, so as to add, Secretary, Home Department, Government of Maharashtra, as a party respondent. Leave granted. Amendment to be carried out forthwith.

2. Mr. Mihir Desai, learned Senior Advocate appearing for the appellant has placed reliance on three orders of Hon'ble Supreme Court i.e. Miscellaneous Application No. 665/2021, dated

27.04.2021 and Suo Motu Writ Petition (Civil) No (s). 3/2020, dated 23.03.2020 and 08.03.2021 and submits that in view of aforesaid three orders the limitation in filing the appeal will not apply.

3. Mr. Sandesh Patil, learned counsel appearing for Respondent vehemently opposed the prayer for condonation of delay.

4. Upon appreciating the rival contentions and keeping in view the aforesaid three orders passed by the Hon'ble Supreme Court and the reasons given in the interim application for condonation of delay, and the fact that the appellant is in jail and he has not gained any advantage by delay in filing the appeal. In that view of the matter, the delay in filing the appeal stands condoned. The Interim Application No. 1345 of 2021 stands disposed of accordingly.

5. Issue notice to the respondents in Criminal Appeal Stamp No. 7634 of 2021.

6. Mr. Sandesh Patil, waives service of notice on behalf of Respondent No. 1.

7. Mr. J.P. Yagnik, learned APP waives service of notice on behalf of added Respondent No. 2.

8. Liberty to mention the appeal for hearing before learned vacation Court in week commencing from 17th May, 2021.

9. Mr. J.P. Yagnik, learned APP appearing for Respondent No. 2 assures this Court that the medical report about health condition of appellant will be submitted on or before 15th May, 2021. He further submits that the soft copy of said report will be given to the learned counsel appearing for the appellant and learned counsel appearing for 1st respondent in advance.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)