

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

**CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1892 OF 2021**

**IN**

**APPEAL (STAMP) NO.11651 OF 2021**

**WITH**

**INTERIM APPLICATION NO.1893 OF 2021**

**IN**

**APPEAL (STAMP) NO.11651 OF 2021**

**WITH**

**APPEAL (STAMP) NO.11651 OF 2021**

Sadanand Vinayak Sathe

.. Applicant/Appellant  
/Original Accused

v/s.

The State of Maharashtra & Anr.

.. Respondents

....

Mr. Swapnil Ovalekar, , for the Applicant.

Mrs. M.M. Deshmukh, APP, for State.

....

**CORAM: NITIN JAMDAR &  
G.A. SANAP, JJ.**

**DATE : 14 SEPTEMBER 2021.**

**P.C:-**

**INTERIM APPLICATION NO.1892 OF 2021**

By this application, the Applicant seeks to condone delay of 10 years and 90 days in filing criminal appeal challenging the judgment and order dated 29 April 2011 passed by the Sessions Judge

Nashik. In paragraph 2 of the application, the reason given by the Applicant for delay is that he had instructed an advocate from Legal Aid to draft an appeal, however, the appeal could not be filed on time. The learned Counsel for the Applicant has placed on record a communication, received through jail, addressed to him by the Applicant that the Applicant had earlier applied for legal aid under the letter of the concerned jail, Outward No.7920 of 2011, dated 28 May 2011, with an application for appeal and judgment copy. The learned Counsel for the Applicant submits that in this communication, he had also mentioned the name of the advocate, who has been appointed to prosecute the appeal. Learned Counsel states that it is now in 2021, when the Applicant had applied again that he has filed this present appeal.

2. Whilst considering the facts and circumstances, we condone the delay in filing the appeal, we feel it necessary that the issue be referred to the High Court Legal Services Committee to examine whether letter Outward No.7920 of 2011, dated 28 May 2011, was received by the Legal Services Authority, and if it was received, why the appeal could not be filed in time. We request the Secretary of the Legal Services Authority to look into the issue.

3. Accordingly, the application is disposed of by condoning the delay in filing the appeal.

4. The copy of the order be sent to the Secretary, Legal Services Authority, along with the compilation placed on record by the learned Counsel for the Applicant.

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Heard learned Counsel for the Appellant and the learned APP for the State.

2. The Appellant is sentenced to suffer imprisonment for life.

3. The Appeal is **Admitted**.

(G.A. SANAP, J.)

(NITIN JAMDAR, J.)