

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL INTERIM APPLICATION NO.2683 OF 2021
IN
CRIMINAL APPEAL STAMP NO.16867 OF 2021

Jameer Rajavalli Munde : Applicant.
Versus
The State of Maharashtra : Respondent.

Mr. Prasad Avhod i/by Mr. Kuldeep U Nikam for the Applicant.
Mr. S S Hulke, APP for the Respondent/State.

CORAM : S. S. SHINDE,
N. J. JAMADAR, JJ

DATE : 01st December 2021

P.C.

1 Heard Mr. Prasad Avhod, the learned counsel appearing for the Applicant and Mr. S S Hulke, the learned APP appearing for the Respondent/State.

2 At the outset the learned counsel appearing for the Applicant seeks leave to amend so as to incorporate the days of delay in the prayer clause. Leave granted. Amendment to be carried out forthwith.

3 This Interim Application is preferred by the Applicant/Appellant for condonation of delay of 3 years and 68 days in preferring the Appeal against the judgment and order dated 21/06/2018 passed by the learned Additional Sessions Judge, Pandharpur in Sessions Case No.18 of 2015 whereby the Applicant has been convicted for the offence punishable under

Section 302 of the Indian Penal Code and sentenced to suffer imprisonment for life and fine of Rs.25,000/- with default stipulation.

4 The Applicant has ascribed reasons in paragraph Nos.4 to 7 of the Interim Application. The principal reason seems to be that of his poor financial position and social condition which the Applicant faced subsequent to his conviction. The Applicant is in prison since 21st June 2018.

5 Since the Applicant has been in prison, he had nothing to gain in not preferring the Appeal within stipulated period. Sufficient cause is made out to condone the delay. It is trite that in order to advance cause of the substantive justice, the Courts lean in favour of condonation of delay.

6 Hence Interim Application No.2683 of 2021 stands allowed.

7 The delay in preferring the Appeal stands condoned.

8 The Appeal be registered. The Interim Application stands disposed of accordingly.

[N. J. JAMADAR, J]

[S. S. SHINDE , J]