

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 152 OF 2020
IN
CRIMINAL APPEAL NO. 176 OF 2019

State of Maharashtra thr.PSO,PS. Durgapur,
Tah. and Distt. Chandrapur, Dist.Chandrapur -- Appellant
vs.
Deoprasad @ Dewa s/o Bhujbal Deosare --Respondent

WITH
CRIMINAL APPEAL NO. 178 OF 2019

Deoprasad @ Dewa s/o Bhujbal Deosare --Appellant
vs.
State of Maharashtra thr.PSO,PS. Durgapur,
Tah. and Distt. Chandrapur, Dist.Chandrapur -- Respondent

Mr. M.J. Khan, learned Additional Public Prosecutor for the State
Mr. Mir Nagman Ali, Advocate for respondent.

CORAM : PRASANNA B. VARALE &
N.B. SURYAWANSHI JJ.

DATE : MARCH 30, 2021

P.C. :

Heard Mr. Khan, learned Additional Public Prosecutor
for the appellant and Mr. Mir Nagman Ali for the respondent.

2. At the outset, the learned Additional Public Prosecutor
submitted that present appeal filed by the State challenging the
judgment and order passed by the learned Additional Sessions

Judge, Chandrapur in Sessions Trial No. 16/2017 thereby seeking an enhancement in the sentence, is admitted by the order of this Court dated 01/04/2019. The learned Additional Public Prosecutor then submitted that at the time of filing an appeal, the appellant/State was under an impression that the appeal is filed within prescribed time limit and there is no delay in filing the appeal.

3. The learned Additional Public Prosecutor further submitted that subsequently the office pointed out that there is delay of 18 days. The learned Additional Public Prosecutor submitted that the delay of 18 days is neither intentional nor on account of any willful negligence. He further submitted that as the delay caused in filing appeal is due to bona fide reasons, the delay be condoned. The learned Additional Public Prosecutor also invited our attention to paragraph No.4, 5 and 6 so as to submit the sequence of events.

4. In view of submission of learned A.P.P. and for the reasons stated in the application and also for the reason that the appeal is already admitted by this Court, the application is allowed and the delay is condoned.

5. Application is disposed of accordingly.

[N.B. SURYAWANSHI, J.]

[PRASANNA B. VARALE, J]