

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APPA)NO.377/2021

IN

CRIMINAL APPEAL NO...../2021

Dharmraj s/o Kantilal Gahagaye

..vs..

State of Mah., thr. PSO, Gangazari, Taluka and District Gondia

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri A.D.Tote, Counsel for the applicant (appointed).
Shri S.P.Deshpande, Addl.P.P. for the State.

**CORAM : V.M.DESHPANDE &
AMIT B.BORKAR, JJ.**

DATED : JULY 14, 2021.

1. Hearing was conducted through video conferencing and learned counsel agreed that audio and visual quality was proper.
2. Heard.
3. This is an application for condonation of delay in preferring appeal challenging judgment and order of conviction dated 4.2.2016 passed in Sessions Trial No.44/2014 by learned Sessions Judge, Gondia whereby the applicant is directed to suffer imprisonment for life. The delay is of 1902 days.
4. This application is filed for and on behalf of the applicant by learned counsel Shri A.D.Tote who is appointed by the High Court Legal Services Sub Committee at Nagpur

to represent the applicant.

5. According to learned counsel for the applicant, the applicant who is undergoing life imprisonment is in jail.

6. Since the applicant is in jail for undergoing life imprisonment, in our view, though there is delay of more than 1902, an opportunity should be given to the applicant to challenge the judgment and order of conviction imposed upon him. In this view of the matter, learned Additional Public Prosecutor for the State fairly submits that an opportunity should be given to the applicant to challenge the judgment and order of conviction.

7. For reasons stated in the application, the application is allowed. The Delay is condoned.

8. Registry is directed to register the appeal.

9. Learned counsel Shri A.D.Tote for the applicant is entitled to receive Rs.750/- from the High Court Legal Services Sub Committee at Nagpur for drafting and arguing this application for condonation of delay.

10. The criminal application stands disposed of accordingly.

Criminal Appeal No...../2021

1. Heard.

2. **ADMIT.**

3. Record and proceedings be called for.

4. Learned Additional Public Prosecutor Shri S.P.Deshpande, waives service on behalf of the State.

5. Application for suspension of substantive jail sentence and for grant of bail will be considered after receipt of record and proceedings.

JUDGE

JUDGE

!! BRW !!

...../-