

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

CRIMINAL APPLICATION (APPA) NO. 485 OF 2021
IN
IN CRIMINAL APPEAL NO. OF 2021

Brayan Ibrahim Keneath Bastiyan

Vs.

State of Maharashtra, through P.S.O., P.S. Gittikhadan, Nagpur

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

Court's or Judge's orders.

Shri Shashibhushan Wahane, Advocate for the applicant.
Shri S.M. Ghodeswar, Advocate for the respondent/State.

CORAM : V.M. DESHPANDE AND AMIT B. BORKAR, JJ.
DATE : 31st AUGUST, 2021.

1. This is an application for condonation of delay in filing the appeal. As per the applicant the delay is 1 year and 270 days.
2. Heard Shri Shashibhushan Wahane, learned counsel for the applicants. The notice on behalf of the State is waived by Shri S.M. Ghodeswar, learned Additional Public Prosecutor.
3. Though this criminal application is coming for the first time, we are of the view that it can be disposed today itself.
4. Three Sessions Trials i.e. Sessions Trial Nos.430 of 2015, 220 of 2017 and 366 of 2017 were decided and disposed of by the Common Judgment dated 17.09.2019 by learned District Judge-4 and Additional Sessions Judge, Nagpur. The present applicant Brayan @ Ebrahim Keneath Bastiyan was accused No.2 in Sessions Trial No. 430 of 2015. Along with

other co-accused he is directed to suffer life imprisonment.

5. During the course of the submission Shri Wahane, learned counsel for the applicant would submit that co-accused Sachin @ Anna Palti Danial Gabrel had approached this Court and has filed Criminal Application No. 735 of 2019 and it is admitted on 11.11.2019. Similarly, co-accused Ashish @ Maddy S/o Virendra Rathod also approached to this Court by filing Criminal Appeal No. 154/2020 and the said is also admitted on 24.02.2020.

6. In view of the fact that the co-accused had already approached to this Court and their appeals are admitted and the appellant is in jail, we see no impediment for allowing this application by condoning the delay. Resultantly, we pass the following order :

ORDER

1. The criminal application is allowed. The delay in preferring the appeal challenging judgment of the conviction in Sessions Trial No. 430 of 2015 dated 17.09.2019 stands condoned.

2. Office is directed to register the appeal.

3. The criminal application is disposed of.

CRIMINAL APPEAL NO. 2021

1. Heard Shri Wahane, learned counsel for the appellant.

2. **ADMIT.**

3. Shri S.M. Ghodeswar, learned A.P.P. waives service for the respondent.

CRIMINAL APPLICATION (APPA) NO. _____ OF 2021

1. This is an application for dispensing with the filing certified copy of the judgment and order.

2. Shri Wahane, learned counsel for the applicant would submit that in view of the filing of the appeal by the co-accused the record is already received in the Registry of this Court.

His statement is accepted.

3. In that view of the matter, the criminal application is allowed and disposed of.

JUDGE

JUDGE

C.L.Dhakate