

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

CRIMINAL APPLICATION (APPA) NO.502 OF 2020
IN
CRIMINAL APPLICATION (APPA) NO. OF 2021
IN
CRIMINAL APPEAL NO. OF 2021
The State of Maharashtra
Versus
Sy. Meraj Sy. Sadaruddin and others

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

Mr. M.J. Khan, Additional Public Prosecutor for
Applicant/Appellant.
Mr. Ayush Sharma, Advocate for Respondents.

**CORAM : PRASANNA B. VARALE
N.B. SURYAWANSHI, JJ.**

DATE : 22nd MARCH 2021

CRIMINAL APPLICATION (APPA) NO.502 OF 2020 :

Heard Mr. Khan, learned A.P.P. for the
applicant/appellant.

2. The learned A.P.P. submitted that though the delay caused in filing an appeal is of 217 days, the same was due to the reasons which were beyond the control of the applicant/appellant. The learned A.P.P. invited our attention to Paras 3, 4 and 5 of the application to submit that though the learned Additional Sessions Judge, Akola recorded the judgment of conviction and sentence on

7th December, 2019, a proposal was received by the office of the Public Prosecutor on 17th February, 2020. He further submitted that the learned Additional Public Prosecutor of the Trial Court forwarded the proposal on 11th February, 2020 to the Law & Judiciary Department and the same was received by the Law & Judiciary Department on 17th February, 2020. The Law & Judiciary Department then forwarded the proposal with its approval to the office of the Public Prosecutor to prefer an appeal by resolution dated 26th February, 2020. The learned A.P.P. submitted that on receipt of the papers, the concerned Additional Public Prosecutor drafted the appeal, but for unforeseen situation, viz. the outbreak of COVID-19 Pandemic, the office of the Public Prosecutor was unable to take necessary steps within a reasonable period. He further submitted that there were guidelines in operation, making the movements as limited as possible and subsequently certain relaxations were granted by the Central Government and the State Government and after these relaxations, necessary steps were taken and the appeal was filed. Thus, the submission of the learned A.P.P. is that the delay caused in filing an appeal is *bona fide* and the same is unintentional, and as such the delay be condoned. The learned A.P.P. submitted that the appellant has raised substantial grounds in appeal in challenge to the judgment and order of acquittal of the accused persons.

3. Mr. Sharma, learned counsel appearing for the respondents, opposed the application for condonation of delay.

4. Though the application is opposed by the learned counsel appearing for the respondents, in view of the submissions made by the learned A.P.P. and for the reasons stated in the application, the delay caused in filing the appeal is condoned. The application is allowed.

5. The application is disposed of accordingly.

CRIMINAL APPEAL NO. _____ OF 2021 :

Heard the learned A.P.P. for the appellant.

2. Issue notice to the respondents.

3. Mr. Sharma, learned counsel waives service for the respondents, and prays for time.

4. At the request of the learned counsel for the respondents, stand over for two weeks.

(N.B. SURYAWANSHI, J)

(PRASANNA B. VARALE, J)