

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**32 CRIMINAL APPLICATION NO.215 OF 2022
IN APEALST/585/2022**

**MADHUKAR RADHAJI FUGNAR
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Razvi Syed Mubashir Ali
APP for Respondent-State: Mr. S. S. Dande

....
**CORAM : V. K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 14th FEBRUARY, 2022.

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P. C. :

1. Heard.
2. Issue notice to the respondents. Learned APP waives notice for respondent-State.
3. The applicant was convicted for the offence punishable under Section 302 of IPC by the learned Additional Sessions Judge, Gangakhed by judgment and order of conviction dated 28/09/2018 in Session Trial No. 27 of 2016 and sentenced to suffer imprisonment for life and to pay a fine of Rs.1,000/-, in default, to suffer RI for a period of one month. There is a delay of 1131 days caused in filing criminal appeal against the judgment and order of conviction.

4. Learned counsel for the applicant / accused submits that due to weak financial condition, the applicant could not file the appeal within time. Learned counsel submits that the applicant/accused has allegedly committed murder of his wife and as such there is no one in his family to look after his case. The applicant / accused was under trial and is in jail since date of his arrest.

5. Learned APP submits that an appropriate order may be passed.

6. It appears that the applicant / accused was under trial and he has allegedly committed the murder of his wife. Thus, no one in the family has looked after his case. Further more his economic condition is also poor. It further appears that the applicant is illiterate and as such he was not knowing to file an appeal against the judgment and order of conviction. Thus, considering the entire aspect of the case and for the reasons stated in the application, we allow this application in terms of prayer clause "B".

7. Criminal application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

(V. K. JADHAV, J.)

vsm/-