

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CRIMINAL APPLICATION NO.344 OF 2022
IN APPEAL (ST) 915/2022

SUNILKUMAR ADIKLAL MANDAL
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicants : Mr. Jaiswal Rupesh A
APP for Respondent-State: Mr. R.V. Dasalkar
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**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 11th FEBRUARY, 2022**

PER COURT:-

1. Heard. Leave to correct the title clause in the application seeking condonation of delay so also in the criminal appeal.
2. Issue notice to the respondent.
3. Learned A.P.P. waives notice for respondent-State.
4. The applicant is convicted accused. He was tried for the offence punishable under Sections 302, 201 r.w. 34 of I.P.C. in Sessions Case No. 54 of 2014. By judgment and order of conviction dated 12.7.2016 the Additional Sessions Judge, Nanded has convicted the applicant for the offence punishable under Section 302 of I.P.C. and sentenced him to suffer imprisonment for life.
5. Learned counsel for the applicant accused submits that the

applicant was under trial. He was not aware of his right of filing appeal against the impugned judgment and order of conviction. The applicant is illiterate and poor person living in remote area. Because of poverty he had no means to file appeal. Though the applicant had sought help from legal services authority, however, he could not get the such help.

6. Learned A.P.P. submits that appropriate order may be passed.

7. It appears that the applicant accused due to his poverty and illiteracy could not prefer an appeal against the judgment and order of conviction and sentence for imprisonment of life. It further appears that co-accused Suhanbee w/o Sk. Sattar has already preferred criminal appeal No. 508 of 2016 against the judgment and order of conviction passed by the Additional Sessions Judge, Nanded dated 12.7.2016 in Sessions Case No. 54 of 2014 for her conviction under Section 201 r.w. 34 of I.P.C. which is pending before us.

8. In view of above and for the reasons stated in the criminal application, the same is allowed in terms of prayer clause "B" and disposed of.

(SANDIPKUMAR. C. MORE, J.)

(V. K. JADHAV, J.)

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