

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 CRIMINAL APPLICATION NO. 556 OF 2022
IN APEALST/1441/2022

SAKHARAM UTTAM KOLI
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Andhale Sandip Ramnath (appointed)
APP for Respondent-State : Mr. R. D. Sanap
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CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 21st FEBRUARY, 2022

PER COURT:-

1. Leave to correct the prayer clause.
2. Learned counsel appointed for the applicant/appellant submits that since 21.07.2015, the applicant is behind bars. He was an under trial prisoner. There is nobody in his family to look after his case. The applicant is an illiterate person and he has no knowledge as to filing of appeal against the judgment and order of conviction. The learned appointed counsel submits that the delay may be condoned and the appeal may be heard on merits.
3. Learned APP submits that appropriate order may be passed.

4. It appears that, the Additional Sessions Judge, Beed, by the judgment and order of conviction dated 17.05.2018 in Sessions Case No. 12/2016 has convicted the applicant/appellant for the offence punishable under Section 302 of IPC and sentenced him to suffer rigorous imprisonment for life and to pay fine of Rs.10,000/-, in default to undergo rigorous imprisonment for one year. It appears that due to lack of knowledge on account of illiteracy and further, there is nobody in the family to look after the accused, the delay is occurred in preferring the appeal.

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

(SANDIPKUMAR C. MORE, J.)

(V. K. JADHAV, J.)

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