

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 CRIMINAL APPLICATION NO. 578 OF 2022
IN APEALST/1483/2022

DIGAMBAR TUKARAM KADAM
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Deshmukh Sachin S. (appointed)
APP for Respondent-State : Mrs. D. S. Jape
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CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 21st FEBRUARY, 2022

PER COURT:-

1. Heard.
2. The learned appointed counsel submits that the applicant/appellant was under trial prisoner. He belongs to economically weaker segment of society having financial constraints. There is nobody in the family to prosecute the appeal. Learned counsel submits that thus, the delay of 1610 days caused in filing the present appeal. The same may be condoned and the appeal of the applicant preferred against the judgment and order of conviction may be heard on merits.

3. Learned APP submits that appropriate order may be passed.
4. The Additional Sessions Judge, Hingoli by the judgment and order of conviction dated 06.07.2017 in Sessions Trial No. 45/2015, 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.2,000/-, in default to suffer rigorous imprisonment for one year. It further appears that due to the financially weak position and since there is nobody in the family to prosecute the appeal, the delay, though inordinate, is caused in filing the appeal. Considering the entire aspect of the case and in view of the submissions made on behalf of the applicant, we are inclined to condone the delay. Thus, the 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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