

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

36 CRIMINAL APPLICATION NO.683 OF 2022
IN APPEAL ST/1782/2022 WITH APPLICATION/684/2022 IN APPEAL
ST/1782/2022

PARMESHWAR NARAYAN DAKE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Ravindra M. Deshmukh
APP for Respondents: Mr. K.S. Patil

**CORAM : V.K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.
DATE : 7TH MARCH, 2022.**

PER COURT:

- 1] Heard.
- 2] Issue notice to respondent - State.
Learned APP waives notice for respondent State.
- 3] The applicant is the convict in Sessions Case No. 189 of 2011. The learned Additional Sessions Judge, Nanded vide judgment and order of conviction, convicted the applicant accused for the offences punishable under Sections 498-A, 302, 304B r/w. 34 of IPC and sentenced him to suffer R.I. for life and to pay a fine of Rs. 1000/- in default, to suffer R.I. for six months.
- 4] There is inordinate delay of 2855 days in filing the appeal against the said judgment and order of conviction.
- 5] The learned counsel for the applicant submits that in the year 2017, the applicant had requested the High Court Legal Services Sub-Committee, Aurangabad to file an appeal and accordingly, the Sub-

Committee has appointed one counsel. However, unfortunately the said counsel died and thus, the appeal could not be preferred. Learned counsel submits that, therefore, the delay though inordinate in nature has been occurred.

6] Learned APP submits that appropriate orders may be passed.

7] It appears that the applicant was under-trial prisoner in connection with Sessions Case No. 189 of 2011. The applicant has allegedly committed murder of his wife. Thus, considering the reasons for the delay as elaborated in Para. No.9 of the application, we are inclined to condone the delay.

8] In view of the same and for the reasons stated in the application, the application is allowed in terms of prayer clause (C) .

Criminal application is accordingly disposed of.

[SANDIPKUKAR C. MORE]
JUDGE

[V.K. JADHAV]
JUDGE.

grt/-