

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CRIMINAL APPLICATION NO.783 OF 2022
IN APPEALST/2018/2022

BALASAHEB @ BALU VASANT KALBHOR
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. A.V. Indrale Patil
APP for Respondent-State: Mrs. P.V. Diggikar
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**CORAM : V. K. JADHAV AND
SANDIPKUMAR, C. MORE, JJ.
DATED : 16th MARCH, 2022**

PER COURT:-

1. Heard.
2. Issue notice to the respondent-State. Learned A.P.P. waives notice for the respondent State.
3. This is an application filed for condonation of delay. The applicant accused came to be convicted by the Special Judge, Osmanabad by judgment and order dated 24.1.2017 in Special Atrocity Case No. 21 of 2013 under Section 302 of I.P.C. and sentenced to suffer R.I. for life and to pay fine of Rs.3000/- i/d to suffer R.I. for one year. The applicant has preferred appeal against the said judgment and order of conviction which is delayed by 1799 days.

4. Learned appointed counsel for the applicant original accused submits that the applicant was under trial and no one in the family has taken care to prefer appeal against the judgment and order of conviction within time. Learned counsel submits that the delay in filing the appeal is neither intentional nor deliberate. The applicant accused has thereafter sent a communication to the High Court Legal Services Sub Committee, Aurangabad and accordingly this appeal has been preferred with application for condonation of delay.

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

6. The applicant is in jail since the date of his arrest. His family members have not taken care to file appeal within limitation. Consequently, from jail, the applicant has sent a communication to the High Court Legal Services Sub Committee, Aurangabad to prefer an appeal. Thus, considering the entire aspects of the case, we are inclined to condone the delay.

7. 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.)

rlj/