

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

910 CRIMINAL APPLICATION NO.663 OF 2021
IN
CRIMINAL APPEAL ST NO.1876 OF 2021

RAMESH UMAJI GHENE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. G P Darandale h/f Pandule
A.Y.

APP for Respondent : Mr. R D Sanap

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CORAM:SARANG V. KOTWAL & BHARAT P.DESHPANDE, JJ.
Dated : July 15, 2022

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PER COURT :-

1. Learned counsel Mr. Pandule appointed through Legal Aid is absent. Heard Mr. Darandale holding the brief for appointed Advocate Mr. Pandule for the appellant.

2. This is a case demonstrating very disturbing state of affairs. This is an application for condonation of delay of 2433 days caused in filing the Appeal.

3. The applicant was convicted and sentenced for commission of the offence punishable under section 302 of IPC. This judgment and order was passed on 7.5.2014

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by the Additional Sessions Judge, Majalgaon. It appears from the averments in the application that the matter was assigned to an Advocate through Legal Aid for filing an appeal before this Court. He was assigned this matter on 19.7.2016. In paragraph no.4 of this application, it is casually mentioned that since incomplete set of the documents was provided to him, the appeal could not be prepared and in all this process, some time has elapsed and caused delay in filing the appeal. This excuse is absolutely unsatisfactory. The appeal with this application was filed in February, 2021. Gap of more than four years in filing a simple appeal memo is inexplicable and unacceptable. Colossal negligence on the part of the Advocate has caused loss of four precious years of life of the applicant. It appears that the Legal Aid Services Committee of this Court had also not kept track of filing this particular matter resulting in this enormous delay causing serious prejudice to the applicant. This is not an isolated case. We have come across a similar case in the last month. The situation is quite serious and

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immediate corrective measures should be taken so that this is not repeated. It is obvious that the applicant himself is not at fault in causing the delay in filing the appeal. Legal Aid provided to the Prisoners has to be meaningful. In this particular case, instead of helping the applicant, it has caused serious prejudice to him. This situation must be avoided at any costs. Hence, we are passing the following order.

ORDER

- i. Delay of 2433 days in filing the Appeal is condoned.
- ii. The appeal shall be processed further and be given its appropriate number for the appeal in 2022, however, it shall be treated on par with the categories of the appeals filed in the year 2014 and shall be placed on the final hearing board in that category.
- iii. Record and Proceedings alongwith the paper book shall be called urgently.
- iv. Paper books shall be prepared urgently.

- v. The legal Aid Services Authority of this Bench is directed to take review of all such matters where after assigning the matter, further steps are not taken by the Appointed Advocates and in appropriate cases corrective measures shall be taken.
- vi. The Committee shall regularly keep track of such matters. If any Advocate from their panel is found not taking steps as required under the law, urgently, he shall be removed from the matter and that matter should be assigned to some other Advocate.
- vii. This order shall be circulated to all the Legal Aid Committees of this Court.
- viii. Issue show cause notice to the Advocate, who has filed this appeal with such delay for explaining why action should not be taken against him and/or why he should not be made to pay cost to the Applicant. Notice is made returnable on 7.9.2022.

(BHARAT P. DESHPANDE, J.) (SARANG V. KOTWAL, J.)

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