

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

920 CRIMINAL APPLICATION NO.2466 OF 2021
IN APEALST/7128/2021

PRASHANT GANESH KHARADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Gade Akash D.
APP for Respondents: Mr. S S Dande

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CORAM : V.K. JADHAV & SANDIPKUMAR C. MORE, JJ.
Dated: April 29, 2022

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PER COURT :-

1. Heard.
2. Issue notice to the respondent-State. The learned APP waives notice for the Respondent-State.
3. The applicant/accused was tried by the Additional Sessions Judge, Majalgaon in S.C No.18 of 2017 and by judgment and order of conviction dated 30.11.2019 convicted the applicant/accused for the offence punishable under sections 363, 364, 302, 201 of IPC and sentenced him to suffer R.I. for 7 years and to pay fine of Rs.3,000/-, in default to suffer one month S.I. for the offence punishable under section 363 of the IPC. The applicant/accused is also convicted for the offence
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punishable under section 364 of IPC and sentenced to suffer RI for 7 years and to pay fine of Rs.7,000/-, in default of payment of fine to suffer SI for one month and for the offence punishable under section 302 of IPC he is sentenced to suffer life imprisonment and to pay fine of Rs.5,000/-, in default to suffer SI for two months. Applicant/accused is also convicted for the offence punishable under section 201 of IPC and sentenced to suffer RI for 5 years and to pay fine of Rs.2,000/- in default to suffer SI for one month. The applicant/accused has therefore approached this court by filing the appeal, which is delayed by 620 days.

4. Learned counsel for the applicant submits that the applicant was under trial and due to out break of Pandemic Covid-19 family members of the applicant could not approach the applicant to file the appeal within limitation. There is no intentional delay as such.

5. The learned APP submits that appropriate orders may be passed.

6. The applicant was under trial and further due to outbreak of the Covid-19 his family members could not

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approach to him due to declaration of the National Lock-down. Thus, considering the entire aspect of the case, we are inclined to condone the delay.

7. In view of the same and for the reasons stated in the criminal application, the same is allowed in terms of prayer clause 'B'. Criminal application accordingly disposed off.

(SANDIPKUMAR C. MORE, J.) (V.K. JADHAV, J.)

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