

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 CRIMINAL APPLICATION NO.2513 OF 2021
IN
CRIMINAL APPEAL (ST.) NO. 7259 OF 2021

BHURA KAUTIK JOGI
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mrs. Chincholkar Surekha G. (appointed Through
Legal Aid Committee)
APP for Respondent-State: Mr. R.V. Dasalkar
.....

**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 11th FEBRUARY, 2022**

PER COURT:-

1. Heard. Leave to correct the prayer clause "B" of the application to correct the days for which condonation of delay is sought. Correction be carried out forthwith.
2. Notice to the respondent-State.
3. Learned A.P.P. waives notice for respondent-State.
4. The applicant is convicted accused. The learned Additional Sessions Judge, Amalner, by judgment and order dated 09.02.2016 in Sessions Case No. 32 of 2013 convicted the applicant accused for the offence punishable under Section 302 of I.P.C. and sentenced him to suffer life imprisonment and to pay of fine of Rs.5000/- in default to suffer R.I. for three years. There is delay of 2010 days caused in filing criminal appeal against the said judgment and order of conviction.

5. Learned counsel for the applicant-accused submits that the applicant is having three sons aged 21 years, 18 years and 16 years respectively and one daughter aged 14 years. There is no major and matured person in the family to look after his case. The applicant was under trial. The financial position of the applicant is weak and he has no money to pay fees of advocate and therefore, he had submitted application through legal aid. The applicant allegedly committed the murder of his own wife Akkabai. In view of the same, there is nobody in the family to look after his case.

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

7. The applicant-accused is in jail in connection with the Sessions Case No. 32 of 2013. He was under trial prisoner. He was convicted by judgment and order of conviction dated 09.02.2016. It appears that due to extreme poverty and further there is nobody in the family to look after his case, inordinate delay has occurred in filing the criminal appeal. However, the applicant all the while is in jail is sufficient to condone the delay even though it is ordinate one.

8. In view of above and for the reasons stated in the application, the application is allowed in terms of prayer clause "B" and disposed of.

(SANDIPKUMAR. C. MORE, J.)

(V. K. JADHAV, J.)

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