

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

**CRIMINAL APPLICATION NO. 3716 OF 2022
IN
CRIMINAL APPEAL (STAMP) NO. 10373 OF 2022**

Vilas Kondiba Galande

.. Applicant

Versus

The State of Maharashtra and another

.. Respondents

Ms. Pournima Salve, Advocate h/f Mr. S. J. Salunke, Advocate for the Applicant.

Mr. P. N. Kutti, APP for Respondent No. 1.

CORAM : KISHORE C. SANT, J.

DATED : 16th NOVEMBER, 2022.

P. C. :-

1. Heard learned advocate Ms. Salve holding for learned advocate Mr. Salunke for the applicant. It is pointed out that there is delay of 97 days caused in filing criminal appeal challenging the judgment and order of conviction whereby the applicant is convicted for the offence punishable under Section 376 (3) of the Indian Penal Code and is sentenced to suffer rigorous imprisonment for twenty (20) years and fine of Rs. 7,000/- (Rs. Seven Thousand only). Learned advocate states that there is no responsible member in the family to look after the Court proceeding. There is only wife of the applicant who is a labour and therefore, was not in a position to approach the advocate

immediately. It is only after collecting the papers and taking advice from the local advocate she approached the advocate in the High Court. In that process, the delay is caused. It is not deliberate and intentional. She further states that, no prejudice would be caused if the delay is condoned. There is no reason for the applicant to approach late as he is in jail.

2. Learned A.P.P. opposed the application saying that delay is not properly explained.
3. Considering submissions, this Court finds that there is ground made out to condone the delay. Hence, delay is condoned. Appeal be registered.
4. Place the appeal for further consideration on 30.11.2022.
5. The criminal application is disposed of.

(KISHORE C. SANT, J.)

P.S.B.