

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

**CRIMINAL APPLICATION NO. 3777 OF 2022
IN
CRIMINAL APPEAL (ST) NO. 10539 of 2022**

Mahadev Pandurang Survase

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. A.K. Bhosle, Advocate for applicant

Mr. R.V. Dasalkar, A.P.P. for respondent no.1 - State

....

**CORAM : R.G. AVACHAT AND
R.M. JOSHI, JJ.**

DATE : 07th DECEMBER, 2022

PER COURT :

1. Heard.

2. Issue notice to the respondent. Learned A.P.P. waives service of notice for Respondent No.1 - State.

3. Learned counsel for the applicant seeks condonation of delay of 169 days in filing the appeal on the ground that the applicant is in jail.

4. Learned A.P.P. opposed to condone the delay.

5. Since the appellant is in jail, the appeal could not be preferred in time. In the interest of justice, the delay caused in filing the appeal stands condoned. Criminal application stands disposed of. Criminal appeal be registered.

6. On registration of appeal, issue notice to the respondents, returnable on 14th December, 2022. Learned A.P.P waives service of notice for Respondent No.1 - State.

SSD (R.M. JOSHI, J.)

(R.G. AVACHAT, J.)