

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

**CRIMINAL APPLICATION NO. 3950 OF 2022
IN
CRIMINAL APPEAL (ST) NO. 11025 OF 2022**

Shaikh Pashamiya Gufoorsab

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. S.B. Chavan, Advocate for applicant

Mr. S.P. Deshmukh, A.P.P. for respondent - State

....

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

DATE : 01st DECEMBER, 2022

PER COURT :

1. Heard.
2. Issue notice to the respondent. Learned A.P.P. waives service of notice for the respondent – State.
3. This is an application for condonation of delay of 925 days in preferring the appeal against judgment and order of conviction. Perusal of the application shows that on account of lock-down as well as for the reason that the appellant is in jail, the appeal could not be preferred in time.
4. Learned A.P.P. opposed grant of application.

5. The appellant would not have gained anything by not preferring the appeal in time. The circumstances in which the delay is caused itself is justification for condonation thereof. Hence, in the interest of justice, the delay caused in preferring the appeal stands condoned. Application stands disposed of.

6. Appeal be registered. On registration, admit the appeal. Issue notice on admission to the respondent. Learned A.P.P. waives service of notice for the respondent – State. List the appeal on 15th December, 2022.

(R.M. JOSHI, J.)

SSD

(R.G. AVACHAT, J.)