

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1645 OF 2022****WITH****CRIMINAL APPEAL NO. 9032 OF 2022**

Santosh Rupa Waghmare

... Applicant/Appellant

**V/s.**

The State Of Maharashtra And Anr.

... Respondents

Mr. Prasad B. Kulkarni Appointed Advocate for Applicant/Appellant.

Mr. S. S. Hulke APP for Respondent-State.

**CORAM : A.S. GADKARI AND  
MILIND N. JADHAV, JJ.****DATE : 16<sup>th</sup> NOVEMBER, 2022.****PC. :**

1. At the outset, Mr. Kulkarni learned Advocate appointed to represent Appellant fairly pointed out that, inadvertently Respondent No.2 has been impleaded in the present Appeal, though not necessary and seeks leave to delete Respondent No.2 from the array of Respondents.

Leave granted.

Necessary amendment be carried out forthwith.

2. This is an Application for condonation of delay for 2 years and 249 days in preferring present Criminal Appeal against conviction.

3. Mr. Kulkarni, learned Advocate submitted that, Appellant is in jail since the date of his arrest and after pronouncement of impugned Judgment and Order, Appellant could not appoint an Advocate to file Appeal because of his financial constraints. Appellant thereafter sent a letter to the High Court Legal Services Committee, Mumbai to appoint an Advocate to represent him. Advocate for Appellant thereafter has been appointed by High Court Legal Services Committee, Mumbai who in turn has preferred Appeal filed against conviction alongwith present Application for condonation of delay and Application for bail. That, in the entire process the said delay has been caused.

4. Perusal of Application would indicate that, sufficient cause is made out for condonation of delay.

5. In view of the above and for the reasons stated in Application, delay is condoned and Application is allowed in terms of prayer clause “b”.

**[MILIND N. JADHAV, J.]**

**[A.S. GADKARI, J.]**