

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2946 OF 2022
in
CRIMINAL APPEAL STAMP NO. 14558 OF 2022**

Sanjay @ Kondiba Namdeo Gaikwad	Appellant
Versus	
The State of Maharashtra through Inspector Incharge, Chembur Police Station.	Respondent

Mr. Vaibhav V. Ugle, Advocate for the appellant.
Mr. V. B. Konde-Deshmukh, APP for the State.

**CORAM : PRASANNA B. VARALE &
N. R. BORKAR, JJ.**

DATE : 4th OCTOBER, 2022.

P.C. :

1. Heard Mr. Ugle, learned counsel appointed to represent the appellant. Mr. Ugle submitted that though the delay of 11 years, 4 months and 22 days caused in filing the appeal is somewhat inordinate but for the difficulties being faced by the appellant, the delay can be termed as *bona fide* and unintentional. Mr. Ugle submitted that the appellant made attempts to seek legal assistance through private counsel but unfortunately he was informed that the fees charged by the counsel may be on the higher side and the appellant was not in sound financial status so as to afford the fees of the private counsel. Mr. Ugle further

submitted that, at the relevant time, the appellant was doing labour work and he was the sole bread winner of the family. Mr. Ugle submitted that there was no other adult member in the family and the family itself was facing financial crisis and hardship as there was no other source of income after the applicant was subjected to judgment and order of conviction and sentence. Mr. Ugle further submitted that after seeking necessary assistance in the form of engagement of counsel through Legal Aid Panel, the appellant is before this Court.

2. Considering the submission of learned counsel for the appellant and for the reasons stated in the application, the delay of 11 years, 4 months and 22 days is condoned. The application is allowed and, accordingly, disposed of.

(N. R. BORKAR, J.)

(PRASANNA B. VARALE, J.)