

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3146 OF 2022****IN****CRIMINAL APPEAL (ST) NO. 15541 OF 2022**

Shidwa Navasha Rawate

... Applicant/Appellant

V/s.

The State Of Maharashtra

... Respondent

Mr. Yashpal Thakur Appointed Advocate for Applicant/Appellant.

Ms. M. H. Mhatre, APP for Respondent-State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 5th DECEMBER, 2022.****P.C. :**

1. This is an Application for condonation of delay of 13 years and 37 days in preferring present Criminal Appeal against conviction.

2. Mr. Thakur, learned Advocate appointed to represent Applicant submitted that, Applicant is behind bars since March 2008 and on the date of pronouncement of impugned Judgment and Order i.e. 2nd June, 2009 for want of legal and financial assistance he could not prefer an Appeal within the period of limitation. That, Applicant thereafter sent a letter to High Court Legal Services Committee, Mumbai for appointment of an Advocate to represent him. That, accordingly High Court Legal Services Committee, Mumbai had earlier appointed Smt. Sarojini Upadhyay to represent and espouse cause of Applicant. It was subsequently noticed that, due to the sad demise of Smt. Sarojini Upadhyay, she did not file said Appeal within the

period of limitation and Application of Applicant remained unattended. He further submitted that, thereafter present Advocate was appointed on 7th July, 2022 who in turn has preferred present Application alongwith substantive Appeal. In this entire process, the aforestated delay has occurred.

4. In view of the above; for the reasons stated in Application and in the interest of justice, delay is condoned and Application is allowed in terms of prayer clause “a”.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]