

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3029 OF 2021
IN
CRIMINAL APPEAL (ST) NO.18544 OF 2021

William Varghese Jacob ... Applicant
Vs.
State of Maharashtra and others ... Respondents

Ms. Manisha Devkar for the Applicant.
Ms. G. P. Mulekar, APP for the Respondent/State.

**CORAM : S. S. SHINDE &
SARANG V. KOTWAL, JJ.**

DATE : APRIL 21, 2022

P.C. :

. This is an application for condonation of delay of more than 8 years in filing the appeal.

2. Heard Ms. Manisha Devkar, Advocate appointed for the applicant and Ms. G. P. Mulekar, learned APP appearing for the respondent-State.

3. The application filed through jail mentions that since the date of arrest, the applicant was in custody and was lodged in prison and there was no one outside to look after his case. Even after the conviction, he was in great difficulty to approach any advocate for filing the appeal before this Court and, therefore, the appeal could not be filed. Hence, there is a delay of more than 8 years in filing the appeal.

4. Learned counsel for the applicant submits that the actual delay is of 6 years and 153 days.

5. Learned APP does not oppose this application for condonation of delay.

6. We have considered the reasons mentioned in the Application. Though they are not very convincing and the delay is inordinate, in the interest of justice, we are inclined to give one chance to the applicant, who is in jail since last many years. At the same time, we are issuing certain directions to the authorities so that the poor and needy persons languishing in jail without any appeal on their behalf; are not deprived of their rights. Hence, the following order:-

ORDER

- a. Application is allowed.
- b. Delay in filing the appeal is condoned.
- c. The Registry to give regular number to the Appeal.
- d. The Legal Aid Services Authority of this Court is requested to appoint advocates from their panel to help all such needy prisoners whose appeals are not yet filed and to assist them in approaching the superior Courts. The Jail Superintendents in the State of Maharashtra shall identify the prisoners, who have not filed any appeal before the superior Courts though they are entitled to approach the superior Courts. They shall inform the

prisoners of their right to file appeal. This information shall be given in writing. They shall obtain acknowledgment thereof from such prisoners. At the same time, the Jail Superintendents shall contact the Legal Services Authority of this Court or of the District Courts, as the case may be; and co-ordinate with them to take appropriate steps to help such prisoners.

- e. Copy of this order be sent to the Legal Services Authority of this Court as well as of the District Courts, to all the Jail Superintendents in the State of Maharashtra, to the Home Ministry and Law Secretary of the Government of Maharashtra.
- f. In addition, the office of the Public Prosecutor shall ensure that copies of this order are served on all the aforementioned authorities immediately.
- g. The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

(S. S. SHINDE, J.)