

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL INTERIM APPLICATION NO.3025 OF 2021
IN
CRIMINAL APPEAL STAMP NO.18549 OF 2021

Balwant alias Balu Dyandev Ghag : Applicant.
Versus
The State of Maharashtra : Respondent.

Mr. Pawan Mali appointed advocate for the Applicant.
Mr. A A Palkar, APP for the Respondent/State.

CORAM : S. S. SHINDE,
SARANG V. KOTWAL, JJ
DATE : 22nd MARCH, 2022

PC.

1 At the outset the learned counsel appearing for the Applicant seeks leave to amend the prayer clause of the Application. Leave granted. Amendment to be carried out during the course of the day.

2 This is an application for condonation of delay in filing the Appeal.

3 Heard Mr. Pawan Mali, the learned advocate appointed for the Applicant and Mr. A A Palkar, the learned APP for the Respondent/State.

4 Mr. Pawan Mali, the learned counsel for the Applicant submits that the Registry has not correctly calculated the days of delay in filing the appeal. He submits that the Registry ought to have calculated the days to consider the

delay in filing the appeal from the date of receiving the letter from jail, however, the delay has been calculated from the date of filing of proper appeal memo by the appointed advocate.

5 We find considerable force in the submissions of the learned counsel appearing for the Applicant. It appears that there is a delay of 147 days in filing the Appeal. We have carefully perused the averments made in the application and the explanation offered therein, and we are satisfied that the delay in filing the appeal is neither intentional nor deliberate.

6 In that view of the matter, the delay in filing the appeal deserves to be condoned. The Interim Application is allowed. The delay in filing the appeal stands condoned. The Interim Application stands disposed of.

[SARANG V. KOTWAL, J]

[S. S. SHINDE , J]