

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL INTERIM APPLICATION NO.2965 OF 2021
IN
CRIMINAL APPEAL STAMP NO.18668 OF 2021

Nagesh Sahebrao Gaikwad : Applicant
versus
State of Maharashtra : Respondent.

Mr. H P Giri a/w Mr. S R Chopade and Ms. Aakansha Walke for the Applicant.
Mr. Y M Nakhwa, APP for the Respondent/State.

CORAM : S. S. SHINDE,
N. R. BORKAR, JJ
DATE : 22nd FEBRUARY 2022

PC.

1 Heard the learned counsel appearing for the Applicant/Appellant. He invites our attention to the averments made in the application and submits that there is a delay of more than two years in filing the appeal. He further submits that the Applicant/Appellant is lodged in jail as a result of which he did not get proper assistance and therefore there is a delay in filing the appeal. He submits that the delay in filing the appeal is not intentional and no any undue advantage is gained by the Applicant/Appellant by delaying in filing the appeal against the order of conviction.

2 The learned APP appearing for the Respondent/State submits that this Court may pass appropriate orders.

3 In the light of the submissions made by the learned counsel appearing for the applicant/appellant and the averments in the application, we are satisfied that the delay has been properly explained. The applicant/appellant is in jail since the year 2015, and therefore, considering the reasons mentioned in the application, the delay in filing the appeal needs to be condoned. Hence the Interim Application is allowed. The delay in filing the appeal stands condoned. The Interim Application is accordingly disposed of.

[N. R. BORKAR, J]

[S. S. SHINDE , J]