

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [APPA] No.759 of 2021
in
Criminal Appeal Stamp No.8597 of 2021

Shri Omin Muka Kobasi

vs.

State of Maharashtra, through P.S.O. Rajura, District Chandrapur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mrs. Shweta Wankhede, Advocate for the Applicant/Appellant.
Mr. A.M. Kadukar, A.P.P. for the Non-Applicant/Respondent.

CORAM : SURENDRA P. TAVADE, J.
DATE : 6th JANUARY, 2022.

This is an application for condonation of delay in preferring an appeal against the judgment and order, dated 05/04/2021 passed by the Additional Sessions Judge, Chandrapur in Special NDPS Case No.5/2018, whereby the applicant has been convicted for the offences punishable under Sections 20(b)(ii)(c) and 25 of the Narcotic Drugs & Psychotropic Substances Act.

02] It is contended that since the date of conviction , the applicant is in jail. He could not contact his family members as well as the learned Counsel for preferring an appeal against the impugned order.

03] Notice of this application was served upon the prosecution. The prosecution has objected to the application as there is a delay of 165 day and there is no sufficient cause to condone the delay.

04] Heard the learned Counsel for the applicant and the learned A.P.P. for the State. Perused the application. The reasons mentioned in the application are sufficient to condone the delay. Hence, I pass the following order :

ORDER

- i. The application is allowed.
- ii. Delay of 165 days in preferring the appeal against the impugned order is hereby condoned.
- iii. The appeal be registered.

Criminal Appeal St. No.8597/2021 :

Heard.

Admit.

The learned A.P.P. waives service on behalf of the respondent/State.

Call record and proceedings from the trial Court.

JUDGE

**sandesh*