

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

CRIMINAL APPLICATION (APPA) NO.59 OF 2022 IN
CRIMINAL APPEAL STAMP NO.8492 OF 2021

Mangesh s/o Mahadeo Chavhan Vs. The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Vijaykumar Paliwal, Advocate for applicant.
Shri T.A. Mirza, APP for non-applicant.

CORAM : V.M. DESHPANDE AND
AMIT BORKAR, JJ.

DATE : 25th MARCH, 2022.

This is an application for condonation of delay in preferring the appeal.

2. Though this application is coming for the first time, this application can be decided and disposed of today itself.

3. The applicant is convicted by the learned Special Judge, Akot District Akola dated 09.08.2021 in Criminal Special No.251 of 2017 for the offence under Section 363, 376(2)(j) of the Indian Penal Code and under Sections 3(A) with 4, 5(j-ii) (1)(n) with Section 6. He sentenced to suffer 10 years rigorous imprisonment with fine of ₹10,000/- with default clause. The applicant is in jail.

4. Shri Paliwal, learned counsel for the applicant

submitted that the delay is of 66 days.

5. Looking to the fact that the applicant is in jail that cannot be in impediment to allow this application by condoning the delay.

6. Learned Additional Public Prosecutor Shri T.A. Mirza also fairly consented for the same.

7. Hence, we pass following order:

ORDER

The application is allowed. Delay of 66 days is condoned. Appeal be registered.

CRIMINAL APPEAL NO. _____ OF 2022

8. Heard learned counsel for the appellant.

9. **Admit.**

10. Shri T.A. Mirza, learned Additional Public Prosecutor waives service of notice for respondent.

JUDGE

JUDGE

Wagh