

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 CRIMINAL APPLICATION NO.158 OF 2023
IN APPEALST/367/2023

SHAILESH @ SUNNY AJAY BENJAMIN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr.Bhosle Abhaysinh K.
APP for Respondent: Mr.A.M.Phule

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CORAM : SMT. VIBHA KANKANWADI & ABHAY S. WAGHWASE, JJ.
Dated: February 03, 2023

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PER COURT :-

1. Heard Mr. D.S.Ingole, learned Advocate holding for Mr.A.K.Bhosle, learned Advocate for the applicant and learned APP, who waives notice for respondent-State.

2. Present application has been filed for getting delay of 223 days condoned in filing criminal appeal challenging the conviction of the applicant. The applicant is the original accused, who faced trial in Sessions Case No.263 of 2016 and learned Additional Sessions Judge, Aurangabad has convicted him for the offence punishable under Sections 302 and 201 of the Indian Penal Code on 02-09-2021.

3. Though, the learned APP for respondent-State is opposing the application, taking into consideration the reasons stated in paragraph no.2 and also the fact that it was right of the convict to file an appeal but in view of his poor financial condition he could not, we condone the delay.

4. Application stands allowed and disposed of. Registry to verify and register the appeal.

(ABHAY S. WAGHWASE, J.) (SMT. VIBHA KANKANWADI, J.)