

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

**940 CRIMINAL APPLICATION NO.802 OF 2023
IN
APEALST/1998/2023**

**ALIM SALIM PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr.Kadam Vithal P.
APP for Respondents-State : Mr.K.N.Lokhande
...

CORAM : R. G. AVACHAT, J.

DATE : 23.03.2023.

PER COURT :

1. This is an application moved for condonation of delay of 259 days in preferring the appeal against the conviction.

2. The learned APP is before the Court. He submits that the victim needs to be served with a copy of application and then only the orders can be passed.

3. In **Dilip S. Dahanukar vs Kotak Mahindra Co. Ltd., and Another (2007) 6 SCC 528** the Hon'ble Apex Court has observed that :

“E. Criminal Procedure Code 1973 – S. 374 – Right of appeal of convict under, affecting his liberty – Nature

and Scope – Held, the same is a fundamental right keeping in view the expansive definition of Art. 21 and the international covenants operating in the field – Constitution of India – Art. 21.”

4. In view of the same the application is allowed. The delay of 259 days stand condoned.

(R. G. AVACHAT)
JUDGE

mahajansb/