

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1025 OF 2023
IN APEAL(ST)/2626/2023

Sanjay Namdev Jagle

.. Applicant

Versus

The State of Maharashtra

.. Respondent

...
Mr. G. K. Chinchole, Advocate for applicant.
Mr. R. V. Dasalkar, APP for the respondent - State.
...

CORAM : SMT. VIBHA KANKANWADI AND
Y. G. KHOBRAGADE, JJ.

DATE : MARCH 15, 2023.

ORDER :-

. Issue notice to the respondent. Learned APP waives notice for the respondent – State.

2. By this application, the applicant is praying for condonation of delay of 2893 days in filing criminal appeal. He wants to challenge the conviction awarded to him in Sessions Case No.23 of 2013 for the offence punishable under Section 302 read with Section 34 of Indian Penal Code by learned Additional Sessions Judge, Nilanga, Dist. Latur on 10.02.2015.

3. Though the learned APP is strongly opposing the application, the fact remains is that co-accused, who is in fact the mother of the

present applicant, has filed Criminal Appeal No.617 of 2015, that too after a delay of 108 days. The mother of the present applicant is in Harsool Jail, whereas the present applicant is in Open Prison at Latur. Under such circumstance, there would not have been an occasion for them to meet and the mother could not have informed about the filing of appeal by her. When it was noticed by this Court that present appellant is also convicted in the same judgment, by order dated 19.01.2023 legal aid was given to him suo moto by this Court and then present application is filed along with the appeal. Taking into consideration the fact that the appeal is a substantive right and the appellant submits that he is from the poor family and in custody, the delay deserves to be condoned. Accordingly, the delay stands condoned.

4. The application stands allowed and disposed of.
5. Registry to verify and register the appeal.
6. Tag the present appeal along with Criminal Appeal No.617 of 2015, which is already ready for hearing.
7. Place both the appeals for final hearing on 05.04.2023. No adjournment will be granted on that day.

[Y. G. KHOBRAGADE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm