

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

**CRIMINAL APPLICATION NO.1046 OF 2023 IN
CRIMINAL APPEAL ST. NO.2706 OF 2023**

Bhagwan s/o Vishwanath Waghmare ... **APPLICANT**

VERSUS

The State of Maharashtra & anr. ... **RESPONDENTS**

.....
Mr. U.L. Telgaonkar, Advocate for applicant
Mr. A.A. Jagatkar, A.P.P. for respondent No.1.
.....

CORAM : R.G. AVACHAT, J.

DATE : 3rd APRIL, 2023

PER COURT :

Heard. This is an application moved for condonation of delay of 1376 days in preferring appeal against conviction. The learned A.P.P. has strong reservations to allow this application.

2. Since this is an appeal from conviction, in case of **Dilip S. Dahanukar Vs. Kotak Mahindra Co. Ltd. & anr. [(2007) 6 SCC 528]**, it has been observed that an appeal from conviction is a part of fundamental right. Hence, the application is allowed. Delay condoned. The appeal be registered.

(R.G. AVACHAT, J.)

fmp/-