

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1392 OF 2023
IN APEALST/3557/2023

Sunil @ Gajanan Vishwambhar Ekhande

.. Applicant

Versus

The State of Maharashtra and others

.. Respondents

...

Mr. Hanumant P. Jadhav, Advocate for applicant.

Mr. A. V. Deshmukh, APP for respondent No.1 – State.

...

**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATE : 7th June, 2023.

ORDER :-

. Present application has been filed for getting the delay of 2349 days condoned in filing appeal.

2. Present applicant is the original accused No.4 in Special Case No.2 of 2010, who came to be convicted for the offences punishable under Sections 392, 394, 366, 341 of Indian Penal Code and under Section 3(1)(ii), 3(2) of the Maharashtra Control of Organised Crime Act (for short “MCOC Act”) by learned Special Judge under MCOC Act, Aurangabad on 22.08.2016.

3. The learned Advocate, who has been appointed to represent the appellant through legal aid, submits that the applicant is in jail since the

date of his arrest and even after the pronouncement of judgment, the applicant claims that he is not having knowledge regarding the right to appeal. When he came to know about the appeals filed by the co-accused, he has made communication to the legal aid authority of this Bench and, therefore, taking into consideration the circumstances and the fact that the appellant is unable to engage the Advocate of his choice at his expenses, the legal aid has been given to him and, therefore, the delay deserves to be condoned.

4. Since the appellant is in jail and is in need of legal aid, which is now a constitutional right, the delay stands condoned.
5. Application stands allowed and disposed of.
6. Registry to verify and register the appeal.
7. Tag the present appeal along with Criminal Appeal Nos.542 of 2016, 576 of 2016 and 57 of 2019.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm