

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

940 CRIMINAL APPLICATION NO.1414 OF 2023
IN APEALST/3610/2023

BABULAL BARKU BHIL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr.Jadhav Chetan T.
APP for Respondent-State : Mr.A.S.Shinde

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CORAM : R. G. AVACHAT, J.

DATE : 19.04.2023.

PER COURT :

1. This application has been moved for condonation of delay of 42 days in preferring appeal against the conviction.

2. 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."

3. In view of the same the application is allowed. The delay

of 42 days stand condoned.

(R. G. AVACHAT)
JUDGE

mahajansb/