

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL APPLICATION NO. 1240 OF 2020
IN
CRIMINAL APPEAL STAMP NO. 403 OF 2020
WITH
CRIMINAL APPLICATION NO. 1241 OF 2020
IN
CRIMINAL APPEAL STAMP NO. 403 OF 2020
WITH
CRIMINAL APPEAL STAMP NO. 403 OF 2020

RATNAKAR S/O. DATTU JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Applicant : Mr. Rupesh A. Jaiswal (absent)
APP for Respondent-State : Mr. S. J. Salgare
.....

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

DATED : 09 NOVEMBER 2023

PER COURT :-

1. Notice of respondent no.2 has been returned unserved with remark that she is not residing at the given address. It would take long time to trace out the address under said circumstance. Criminal Application No. 1240 of 2020 is for condonation of delay of 375 days by the convict to file criminal appeal, which is his substantial right. Learned APP waives notice for respondent no.1.

2. Though learned Advocate appointed through Legal Aid is absent, we consider the merits of the application. The appellant is in jail. It appears that he is in jail since 04.08.2017. He is required to be

given legal aid and therefore, taking into consideration the fact that he is a convict and earlier he was under trial, for the reason stated in Criminal Application No. 1240 of 2020, the same is allowed and disposed of. Registry to register the appeal.

3. In view of the fact that arguable points are made and since this is practically the first appeal, it stands **admitted**.

4. Call record and proceedings with paper-book.

5. Issue notice to the respondents. Learned APP waives notice for respondent no.1.

6. As regards respondent no.2 is concerned, as the legal aid is given to the appellant and he is in jail, it may not be possible for the the learned Advocate appearing for the appellant to trace out the fresh address and therefore, learned APP is directed to take further instructions in respect of respondent no.2.

7. For record and proceedings and instructions, stand over to 18.12.2023.

8. Issue notice in respect of application for suspension of sentence also.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]