

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

**CRIMINAL APPLICATION NO.1766 OF 2023
IN APEALST/4653/2023 WITH APPLN/1767/2023 IN
APEALST/4653/2023**

**JAKIR HUSSAIN MALIK HUSSAIN LOHAWALA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicant : Mr. P. B. Kadam
APP for Respondent No. 1: Mr. S. P. Sonpawale
Advocate for Respondent No. 2: Mr. J. S. Jain
(appointed)

...

CORAM : R.M. JOSHI, J

DATE : JULY 28, 2023

PER COURT :

1. Learned APP states that notice of present application is given to Respondent No. 2 by concerned police station.
2. None for the Respondent No. 2. Hence, Mr. J. S. Jain, learned Counsel, is appointed to espouse cause of Respondent No. 2.
3. This application is for condonation of delay of 94 days caused in challenging the order of conviction.
4. Heard learned Counsel for Applicant, learned

APP for State and learned Counsel for Respondent No. 2.

5. Perusal of the application shows that there is no intentional delay on the part of the Applicant in not preferring Appeal in time. No malafides can be attributed to him. In the interest of justice, Criminal Application No. 1766 of 2023 is allowed. Appeal be registered.

6. Fees of Mr. J. S. Jain, learned Counsel appointed for Respondent No. 2, is quantified @ Rs. 3,000/- (Rupees Three Thousand Only) to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(R.M. JOSHI, J.)

Malani