

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

**CRIMINAL APPLICATION NO.1865 OF 2023
IN
CRIMINAL APPEAL (ST) NO. 4974 OF 2023**

**ARJUN DHONDIBA SURVASE
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Appellant : Smt. P. J. Bharad
APP for Respondent/State: Mr. S. J. Salgare

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR JJ.**

DATE : 28.06.2023

PER COURT :

1. Issue notice to the respondent. The learned APP waives notice on behalf of the respondent/State.
2. Though the learned APP is objecting for condonation of delay of 32 days caused in filing appeal, the fact remains that the appellant accused is in jail since the date of arrest.
3. No doubt, it appears from the impugned judgment that the accused was made aware about the fact that he can challenge the judgment and order passed by the same Court before this Bench. Yet, he has not filed the appeal. However, it is also to be noted that even now, he has sought the legal aid. Appeal being his right and the legal aid is also being his right, we condone the delay. The application stands allowed and disposed of accordingly. The Registry to verify and register the appeal.

(S. G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)