

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO.2485 OF 2023
IN APEALST/6899/2023
WITH
APPLN/2122/2023 IN APEALST/5831/2023
WITH
APPLN/2486/2023 IN APEALST/6899/2023**

**NAGORAO SARJERAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. Girish V. Wani, Advocate for Applicant in APPLN/2485/2023,
APPLN/2486/2023 and APEALST/6899/2023

Mr. Suraj Bagal, Advocate for Applicant in APPLN/2122/2023 and
APEALST/5831/2023

Mr. S. D. Ghayal, APP for Respondent - State

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

DATED : 20th JULY, 2023

PER COURT :

1. Learned Advocate Mr. Suraj Bagal, who filed Criminal Application No. 2122 of 2023 with Criminal Appeal (Stamp) No. 5831 of 2023, submits that, relatives of the applicant had approached him and therefore, he had filed said application for condonation of delay with appeal. However, now there is no response from the client, so also it appears that the said appellant had approached the High Court Legal Services Sub-Committee, Aurangabad and thereupon legal aid has been provided to the applicant and therefore learned Advocate Mr. Suraj Bagal prays that, his application and appeal be allowed to be withdrawn.

2. In view of the fact that, applicant/appellant has been given legal aid, Criminal Application No.2122 of 2023 with Criminal Appeal (Stamp) No. 5831 of 2023 stand disposed of as withdrawn.

3. As regards Criminal Application No.2485 of 2023 is concerned, it has been filed for condonation of delay of 46 days in filing appeal.

4. Issue notice to respondent. Learned APP waives notice for respondent – State.

5. The applicant/appellant has been convicted for the offence punishable under section 302 of Indian Penal Code in Sessions Case No. 167 of 2022 by learned Sessions Judge, Jalna on 23.03.2023. It appears that, the appellant is in jail since 21.05.2022, i.e. from the date of his arrest and therefore good grounds are shown for condoning the delay.

6. Application stands allowed and disposed of.

7. Registry to verify and register the appeal.

8. Since arguable points are made appeal stands **admitted**.

9. Call Record and Proceedings with paper-book.

10. Issue notice in respect of appeal as well as criminal application for suspension of sentence, to the respondent. Learned APP waives notice for respondent-State.

11 If the learned Advocate for the appellant wants the application for suspension of sentence to be taken up early, he may provide copies of the depositions and a copy thereof to the other side.

12. Record and Proceedings to be received on or before 28.08.2023.

13. We grant liberty to the learned Advocate for the appellant that, if he is complying with this order regarding supplying of copies of depositions, then he may get the said application circulated earlier.

(ABHAY S. WAGHWASE, J.) (SMT. VIBHA KANKANWADI, J.)