

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CRIMINAL APPLICATION NO. 2569 OF 2023
IN APEALST/7139/2023 WITH APPLN/2570/2023 IN
APEALST/7139/2023 WITH CRIMINAL APPEAL STAMP/7139/2023

DATTA BABURAO BHUTEKAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Vishnu M. Jaware [appointed]
APP for Respondent-State : Mr. S. J. Salgare

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

DATED : 26 JULY 2023

PER COURT :-

1. Criminal Application No. 2569 of 2023 has been filed for condonation of 4583 days in filing appeal. The present applicant is the original accused no.1 who faced trial in Sessions Case No. 153 of 2008. Learned Extra Joint Adhoc Additional Sessions Judge, Jalna held him guilty on 25.10.2010 for the offence punishable under Section 302 of the Indian Penal Code and he has been sentenced to suffer imprisonment for life and to pay fine of Rs.2,000/-, in default, to suffer simple imprisonment for five years.

2. Though learned APP objects, it is to be noted that the appellant was required to give legal aid and it is then stated that the applicant

has in fact undergone more than 14 years of imprisonment, but no appeal could be preferred by him because of poor financial condition.

3. Under such circumstance, we condone the delay. The application stands allowed and disposed off.

4. The Registry to verify and register the appeal.

5. Since arguable points are made, appeal stands **admitted**.

6. Issue notice to the respondent. Learned APP waives.

7. Call record and proceedings.

8. If the learned Advocate, though appointed through legal aid committee, supplies the copies of depositions, then, Criminal Application No.2570 of 2023 for suspension of sentence be listed on 17.08.2023, but prior to that he must provide the copies to the other side also.

9. Date for receiving the record and proceedings with paper book is scheduled as 04.09.2023.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]