

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

**902 CRIMINAL APPLICATION NO.2833 OF 2023
IN APPEALST/7752/2023**

**BHIMASHANKAR SHIVAPPA LAMJANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr.Nikhilesh K. Tungar
APP for Respondent no.1 : Mr.S.J.Salgare

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

DATE : 9 AUGUST, 2023

PER COURT :-

1. Present application has been filed by the original accused who has been convicted by learned Additional Sessions Judge, Omerga, Dist.Osmanabad after he has been convicted for the offence punishable under Sections 307, 504 of the Indian Penal Code. It is stated that he wants to challenge the said conviction, however, there is delay of 422 days in filing the appeal. It has been stated that he is in jail since the date of arrest.

2. Under such circumstances, the delay of 422 days in filing the appeal stands condoned though the learned APP is objecting.

3. We want to make it clear that though the original informant appears to be party to the present application for condonation of delay yet the purpose for which he has been made party to the main petition is that he has been granted compensation. When the applicant - appellant is in jail and was unable to prefer the appeal due to financial constraints, we do not find it feasible that notice should be issued to respondent no.2 first and the delay should then be condoned.

4. Application stands allowed and disposed of.

5. Registry to verify and register the Appeal.

(ABHAY S. WAGHWASE)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE