

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

**6 CRIMINAL APPLICATION NO.3619 OF 2023
IN APPEAL ST/9913/2023 WITH APPLN/3620/2023 IN
APPEAL ST/9913/2023**

SYED JAHIR @ SHERA BAKHAR QURESHI
VERSUS
THE STATE OF MAHARASHTRA

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Ms. Shilpa Aurangabadkar Advocate h/f. Mr. Satej S. Jadhav
Advocate for Applicant, appointed through Legal Aid.
Mr. A.M. Phule, A.P.P. for Respondent - State.

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

DATE : 9th OCTOBER, 2023

ORDER :

1. Issue notice to respondent. Learned APP waives service of notice for respondent – State.
2. Heard learned Advocate Ms. Shilpa Aurangabadkar holding for learned Advocate Mr. Jadhav and learned APP Mr. Phule.
3. Applicant is accused No.5 in Special Case (MCOC) No.15 of 2012 which came to be decided on 31st August 2018 by the

learned Special Judge (MCOC), Aurangabad. Applicant has been held guilty of committing offence under Section 302, 201 read with Section 34 of the Indian Penal Code. It appears that the present applicant was never released on bail and since the date of arrest in 2012 he is in jail.

4. For the reasons stated in the Application about economic condition and no family member approached for filing Appeal, the applicant could not file the Appeal but ultimately he has been given legal aid through the Legal Aid Committee of this Court, we hold that sufficient ground has been shown to condone the delay. Therefore the delay stands condoned. The Application stands allowed and disposed of.

5. Registry to verify and register the Appeal.

6. Appeal stands **admitted**.

7. Call Record and Proceedings with Paper-Book.

8. Registry is also directed to see whether co-accused have filed the Appeal challenging the said conviction in the said matter and tag the present Appeal with the same.

9. Issue notice in respect of Appeal as well as Application for suspension of sentence to the respondent. Learned APP waives notice for respondent.

10. Place the matter for further consideration after receipt of Record and Proceedings with Paper-Book.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/OCT23