

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

CRIMINAL APPLICATION NO.3752 OF 2022 IN
CRIMINAL APPEAL (ST.) NO.10489 OF 2022

Sunil s/o Devidas Wahul

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....
Mr. V.A. Mundhe, Advocate holding for
Mr. A.S. Bangar, Advocate for applicant
Mr. N.T. Bhagat, A.P.P. for respondent No.1
.....

CORAM : R.G. AVACHAT, J.

DATE : 28th MARCH, 2023

PER COURT :

Heard. Issue notice to respondents.

2. There is delay of 130 days in preferring the appeal against conviction. The Apex Court, in case of **Dilip S. Dahanukar Vs. Kotak Mahindra Co. Ltd. & anr. [(2007) 6 SCC 528]**, has observed that, right to prefer appeal against conviction is part of a fundamental right in terms of Article 21 of the Constitution of India. In view of the same, the application is allowed. Delay condoned. The appeal be registered.

(R.G. AVACHAT, J.)

fmp/-