

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1095 OF 2020
IN
CRIMINAL APPEAL (ST) NO.371 OF 2020**

Mahadev Sambhaji Birange Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Satish Sakat a/w Jilajit Sharma, Advocate for Applicant.
- Smt. M .R. Tidke, APP for the State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 02nd FEBRUARY, 2023**

P.C. :

1. This is an application for condonation of delay of 46 days in filing the Appeal. The impugned judgment was passed by the Additional Sessions Judge, Sangli, vide his Judgment and Order dated 21/11/2019 passed in Sessions Case No.13/2016.

2. It is mentioned in the application that the relatives of the Applicant were illiterate. They could not contact any Advocate and hence there was delay of 46 day in filing the

Appeal. The record shows that this application for condonation of delay was filed on 12/03/2020 along with the Appeal memo and Bail Application. However, for more than 2 and ½ years, no steps were taken by learned Advocate on record for getting the matter circulated before the Court. Therefore vide order dated 05/01/2023 this Court had issued notice to the Advocate on record seeking his response, whether he was continuing to represent the Applicant and to explain as to why no steps were taken for such a long period.

3. Today, learned Advocate Mr. Satish Sakat is present in the Court, along with Advocate Mr. Jilajit Sharma in the Court. Mr. Sharma submitted that Mr. Sakat had instructed him to get the matter circulated, but because of fault on his part, Mr. Sharma did not take any steps. This explanation is not acceptable. Keeping the Appeal pending where the Appellant is in jail, without taking any steps for this long period, is not acceptable. This conduct of the Advocate is certainly hampering the administration of justice. Therefore, I am imposing cost on

the Advocate on record. In this case, the cause of the Applicant has suffered. Therefore, some part of the cost will be directed to be paid to the Applicant himself.

4. Considering the cause mentioned in the application for delay in filing the Appeal and in the interest of justice, the delay of 46 days in filing the Appeal, is condoned.
5. Advocate on record Mr. Satish Sakat shall deposit the cost of Rs.5,000/- with the Legal Services Authority of this Court and cost of Rs.5,000/- with the concerned Jail Superintendent where the Applicant is lodged. The concerned Jail Superintendent shall ensure that the Applicant gets that amount, if deposited by the Advocate on record. If such cost is not paid by the Advocate on record, further action can be taken.
6. With these observations, the application is disposed of.
7. The Appeal be processed further.

(SARANG V. KOTWAL, J.)