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

**INTERIM APPLICATION NO. 4426 OF 2022**

**IN**

**APPLICATION FOR LEAVE TO APPEAL (PVT.) NO. 21 OF 2023**

Yuvraj Bhanudas Shinde

...Applicant

vs.

State of Maharashtra and Others

...Respondents

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Mr.V.S.Tadke h/f Mr.Yelutla, Advocate for Applicant.  
Mr.Y.Y.Dabke – APP for the Respondent No.1-State.

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**CORAM : S. M. MODAK, J.**

**DATE : 30<sup>th</sup> MARCH, 2023**

**P. C. :-**

**INTERIM APPLICATION NO. 4426 OF 2022**

1. Heard learned Advocate for the Applicant / First-Informant.
2. Notice is served on all the Respondents except Respondent No.3. Report says that she is not residing at Solapur but she is residing at Pune. She is related to other Respondent No.2. Though served, other Respondents have not appeared. Hence, matter is taken for hearing.
3. Also heard learned APP for the Respondent-State.
4. The trial Court acquitted the Respondent for the offence punishable under Section 306 read with 34 of the Indian Penal Code,

1860 [“IPC”] as per the judgment dated 29<sup>th</sup> January, 2022. Certified copy was applied on the same day and it was delivered on 4<sup>th</sup> March, 2022. That period has to be excluded.

5. However, the Applicant could not take final call about preferring an Appeal in view of the unnatural death of his father and some time is consumed for taking legal advice from the Advocates. It is mentioned in Para Nos.3 and 4 of the Application.

6. These are sufficient reasons. Hence, following order :-

O R D E R

(i) Application is allowed.

(ii) Delay is condoned.

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7. Even though earlier the Respondent Nos. 2 to 5 except Respondent No.3 are served on delay condonation application, notice is not issued in this proceeding. Hence, issue notice to Respondents as to why Special Leave should not be granted returnable on 4<sup>th</sup> May, 2023. Private notice, in addition, is allowed. Affidavit of service be filed. Learned APP waives notice for Respondent No.1-State.

[S. M. MODAK, J.]