

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4510 OF 2022****IN****CRIMINAL APPEAL (STAMP) NO. 21824 OF 2022**

Vijay @ Dhananjay Srikant Shinde

.....Applicant

Vs.

The State Of Maharashtra

.....Respondent

Mr. Nikhilesh Pote Advocate appointed for the Applicant.

Ms. G.P. Mulekar APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 6th MARCH, 2023.****P.C.:-**

- 1) This is an Application for condonation of delay of 4 years and 337 days in preferring present Criminal Appeal against conviction.
- 2) Mr. Pote, learned Advocate appointed to represent Applicant submitted that, Applicant is behind bars since 9th April 2016 and on the date of pronouncement of impugned Judgment and Order i.e. 13th November, 2017, for want of legal and financial assistance, he could not prefer an Appeal within the period of limitation. He submitted that, thereafter Applicant sent a letter to High Court Legal Services Committee, Mumbai for appointment of an Advocate to represent him and in pursuance

thereof, Appointment Order dated 17th May, 2022 has been issued appointing him for the Applicant by the Committee. That, he received papers of the present case from the High Court Legal Services Committee, Mumbai in the month of June, 2022. He further submitted that, he has undergone major surgery of hip replacement and therefore he could not prefer present Appeal immediately thereafter. That, as soon as he got recovered from the same, he immediately filed present Appeal on 14th December, 2022. That, in the said entire process, the present delay has occurred.

3) In view thereof, for the reasons stated in Application and in the interest of justice, delay is condoned and Application is allowed in terms of prayer clause (a).

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)