

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 122 OF 2023****IN****CRIMINAL APPEAL (ST) NO. 339 OF 2023**

Mangara Bhikari Barla

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Prosper D'souza Appointed Advocate for Applicant.

Mr. Ajay Patil APP, for Respondent-State.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 11th JANUARY, 2023.****PC. :**

1. This is an Application for condonation of delay of 8 years and 183 days in preferring substantive Appeal against conviction.

2. Mr. D'souza, learned Advocate appointed to represent Applicant submitted that, since the date of his arrest i.e. 21st May 2012, Applicant is behind bars. That, on the date of pronouncement of impugned Judgment and Order, Applicant could not prefer Appeal within the period of limitation for want of financial and legal assistance. That, though High Court Legal Services Committee, Mumbai prepared an Appointment Order in his name dated 19th August 2014, the same was physically handed over to him on 9th December 2022. That, he has accordingly put date of receipt of said Order as 9th December, 2022 on it. He submitted that, he

immediately thereafter filed present Appeal alongwith Application for delay condonation on 23rd December, 2022. In the aforesaid circumstances, the said delay has caused.

3. It is to be noted that, though High Court Legal Services Committee, Mumbai had prepared Order of appointment of Advocate Mr. D'souza on 19th August 2014, the same was physically handed over to him on 9th December 2022. The acknowledgment put up by learned Advocate Mr. D'souza at the end of the said letter speaks for itself. Therefore as a matter of fact the delay of about 8 years is caused at the instance of High Court Legal Services Committee, Mumbai. The practice adopted and the lapses on the part of High Court Legal Services Committee, Mumbai is not appreciable.

4. Be that as it may.

For the reasons stated in Application and in the interest of justice, we are inclined to condone the delay.

Delay is accordingly condoned and Application is allowed in terms of prayer clause "A".

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)