

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.123 OF 2023
IN
CRIMINAL APPEAL (STAMP) NO.526 OF 2023**

Avinash Somnath Phulpagare

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Kishor D. Walanju Appointed Advocate for Applicant.
Mrs. S. D. Shinde 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 5 years and 197 days in preferring substantive Appeal against conviction.
2. Mr. Walanju, learned Advocate appointed to represent Applicant submitted that, since the date of his arrest i.e. 20th March 2016, 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. Applicant thereafter sent a letter to High Court Legal Services Committee, Mumbai for appointment of an Advocate to represent him. Accordingly High Court Legal Services Committee, Mumbai appointed him to represent Applicant on 3rd November 2022, who in turn preferred present Application alongwith

substantive Appeal. In this entire process, the aforestated delay has occurred.

4. In view of the above, for the reasons stated in Application and in the interest of justice, delay is condoned and Application is allowed in terms of prayer clause “b”.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)