

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 772 OF 2023****IN****CRIMINAL APPEAL (ST.) NO. 3738 OF 2023**

Shailesh @ Aau Hanumant Kelkar

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Ms. Saima Ansari, Appointed Advocate for Applicant/Appellant.

Ms. M.H. Mhatre, A.P.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 28th February 2023.****P.C. :**

1. This is an application for condonation of delay of 7 years and 04 days in preferring present Appeal against conviction.

2. Ms. Saima Ansari, learned Advocate appointed to represent Applicant/Appellant submitted that, the Applicant is behind bars since his date of arrest i.e. 4th February 2013. That, on the date of pronouncement of impugned Judgment and Order i.e. on 8th December 2015, for want of legal and financial assistance the Applicant could not prefer Appeal within the period of limitation. She submitted that, the Applicant subsequently addressed a letter to the High Court Legal Services Committee, Mumbai and thereafter she came to be appointed by Appointment Order dated 7th

February 2023. She thereafter immediately preferred present Appeal on 10th February 2023. In the said entire process, present delay has been caused.

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

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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