

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 3388 OF 2022****IN****CRIMINAL APPEAL (STAMP) NO. 16544 OF 2022**

Yusuf Khwaja Usen Sayyed @ SalmanApplicant

Vs.

The State Of Maharashtra & Anr.Respondents

Ms. Trupti M. Khamkar Advocate appointed for the Applicant.

Mr. Ajay Patil 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 5 years and 147 days in preferring present Criminal Appeal against conviction.
- 2) Ms. Khamkar, learned Advocate appointed to represent Applicant submitted that, Applicant is behind bars since 31st July 2011 and on the date of pronouncement of impugned Judgment and Order i.e. 27th February, 2017, for want of legal and financial assistance, he could not prefer an Appeal within the period of limitation. She submitted that, subsequently Applicant sent a letter to High Court Legal Services Committee, Mumbai for appointment of an Advocate to represent him.

Thereafter present Advocate was appointed by Appointment Order dated 16th January, 2019. She submitted that, due to lock-down, the record of the present case could not be supplied to her by the Legal Aid Committee and therefore it added to the total period of delay.

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.)

SANJIV
SHARNAPPA
MASHALKAR

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