

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3658 OF 2023
IN
CRIMINAL APPEAL ST NO. 18868 OF 2023**

Kondiram Madhu Pawar

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. Sushan Mhatre Advocate appointed for the applicant
Mr. J. P. Yagnik APP for the State

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATE : 1st NOVEMBER 2023

P.C. :

1. This is an application for condonation of delay of 14 years and 6 days in filing the appeal.
2. Learned counsel for the applicant submitted that the impugned Judgment and Order is dated 31st July 2009. He further submitted that the applicant has been in jail since 23rd December 2007 and

presently is serving his sentence in Yerwada Central Prison, Pune and since his incarceration, the application was unable to secure any legal advise. Learned counsel further submitted that he is appointed in the matter through Legal Services Committee on 17th June 2023. He further submitted that after his appointment, he gathered all the required papers, however, some original papers were damaged and therefore, he took some time in collecting the photocopies. Learned counsel further submitted that application for certified copy of the impugned Judgment and Order and the relevant documents was made on 14th December 2022 and the same were ready on 15th December 2022. However, it took some time to collect photocopy of some original papers which were damaged. Learned counsel therefore submitted that in view of the aforesaid facts and circumstances, the applicant was unable to challenge the Judgment and Order of his conviction within time. Learned counsel thus submitted that in view of the facts and circumstances, delay of 14 years and 6 days caused in filing the application be condoned.

3. We have perused the application. For the reasons set out in the

application, in paragraph no. 6 and the submissions made on behalf of the applicant, we condone the delay of 14 years and 6 days caused in filing the appeal.

4. Application is allowed in terms of prayer clause (b).

GAURI GODSE, J.

REVATI MOHITE DERE, J.