

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO.89 OF 2023 IN
CRIMINAL APPEAL STAMP NO.167 OF 2023

Alkesh Ashokrao Deshmukh Vs. State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri G.L. Agrawal, Advocate appointed for applicant.
Shri N.R.Rode, APP for non-applicant/State.

CORAM : ANIL L. PANSARE, J.
DATE : FEBRUARY 27, 2023.

None appears for the applicant.

2. By this application, the applicant is seeking condonation of delay caused in filing the appeal against judgment and order dated 02.02.2022 passed by the learned Special Judge and Additional Sessions Judge-2, Amravati in Special (Atro.) Case No.207/2020.

3. List the matter on 29.03.2023 under caption for dismissal.

Vijaya

JUDGE

Later on

4. Learned counsel for the applicant is present and submits that he will attend the matter diligently. On the basis of his assurance, the order passed in morning session is recalled.

5. Heard.

6. By this application, the applicant is seeking condonation of delay caused in filing the appeal against judgment and order dated 02.02.2022 passed by the learned Special Judge and Additional Sessions Judge-2, Amravati in Special (Atro.) Case No.207/2020, thereby convicting the applicant under Section 376 (1) of the IPC and sentencing him to suffer ten years rigorous imprisonment and under Section 354 of the IPC sentencing him to suffer rigorous imprisonment for five years with fine amount.

7. Learned counsel for the applicant submits that delay has been caused because the applicant is in jail and has restrictions to communicate with his relatives. He could not give instructions in time nor he could collect necessary documents.

8. In view of above and for the reasons set out in the application, the application is allowed. Delay of 220 days caused in filing the appeal against the order dated 02.02.2022 passed by the learned Special Judge and Additional Sessions Judge-2, Amravati in Special (Atro.) Case No.207/2020, is condoned. Appeal be registered.

9. The application stands disposed of.

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10. Heard.

11. **Admit.**
12. Call for record and proceedings.
13. Learned A.P.P. waives notice for respondent/State on merits.
14. Registry to process the appeal for final hearing in accordance with Rules.

JUDGE

Wagh