



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**905 CRIMINAL APPLICATION NO. 88 OF 2024
IN APPEALST/292/2024
WITH
CRIMINAL APPEAL STAMP NO. 292 OF 2024**

Manohar @ Jibhau Ambarsingh Sonwane
Age 35 years, Occupation Labour,
R/o : Rundawali, Taluka Shirpur
District Dhule.

... Applicant

Versus

1. The State of Maharashtra
Through the Police Station Officer,
The MIDC Police Station Jalgaon,
Taluka Jalgaon, District Jalgaon.

2. X Y Z

... Respondents

.....

Advocate for Applicant : Mr. Anagha Vasantrao Rotte
APP for Respondent No.1-State : Mrs. Ashlesha S. Deshmukh

.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 24 APRIL 2024

PER COURT :-

1. This is an application for condonation of delay of 170 days caused in filing appeal, which is proposed to be filed against the judgment and order of conviction dated 28.04.2023 passed by learned Additional Sessions Judge, Jalgaon in Sessions Case No. 327 of 2019, thereby convicting applicant for offence punishable under Section 376(1) of IPC and sentencing him to suffer rigorous imprisonment for

10 years and to pay fine. Notice seems to be issued to the other side on 20.03.2024 i.e. after victim being made a party respondent. Twice thereafter matter appeared on board, but time for effecting service of notice to respondent no.2 is got extended. Therefore, at this stage, when application for condonation of delay is under consideration, the same is taken up for hearing.

2. Learned counsel for the applicant pointed out that after expiry limitation period itself, she came to be appointed by the High Court Legal Services Sub-Committee, Aurangabad. Therefore, there was consequent delay in further process.

3. There seems to be justifiable reason for the delay. In the interest of fair opportunity and justice, the application stands allowed. Delay stands condoned.

4. Registry to register the appeal.

5. Issue notice to the respondents in appeal, returnable on 12.06.2024.

6. Learned APP waives notice for respondent no.1-State.

[ABHAY S. WAGHWASE, J.]