



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 950 OF 2024
IN
CRIMINAL APPEAL STAMP NO. 2494 OF 2024

.....
BADRINATH SUNIL SHELKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

.....
Mr. N. B. Garje, Advocate for the Applicants.
Mr. N. D. Batule, APP for Respondent-State.

.....

CORAM : ABHAY S. WAGHWASE, J.
DATED : 04 MARCH 2024

ORDER :-

1. This is an application for condonation of delay caused in preferring appeal against the judgment and order dated 09.03.2020 passed by learned Additional Sessions Judge, Beed in Sessions Case No. 128 of 2018.

2. Learned counsel for the applicants submits that there is conviction for offence punishable under Section 342 r/w 34 of the Indian Penal Code by learned Additional Sessions Judge, Beed, thereby sentencing them rigorous imprisonment for six months. That, accused so convicted, desire to question the said judgment. However, there is delay of 1378 days. According to him, the delay is occasioned

due to; firstly, clamping of COVID and secondly, weak financial condition of the applicants and thirdly, time spent in engaging another Advocate. He submits that the delay is not intentional and deliberate. He prays to condone the delay.

3. Learned APP strongly opposes on the ground that firstly, delay is huge and there is no proper explanation and secondly, there is no supporting evidence with regard to case of weak financial condition.

4. After considering the above submissions and the contention raised in para nos. 3 to 6 of the application, in the light of fair opportunity, delay deserves to be condoned. Hence, I proceed to pass the following order :

ORDER

- I. Application is allowed.
- II. Delay stands condoned.
- III. Registry to register the appeal.

[ABHAY S. WAGHWASE, J.]