



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 **CRIMINAL APPLICATION NO. 2009 OF 2024**
IN APEALST/5350/2024

Anwar Khan Nasir Khan Pathan,
Age:- 44 years, Occ. Labour,
R/o Undirkheda, Parola,
At Present Hazar Basti, Behind Alhera
High School, Dhule

... Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Parola Police Station,
Tq. Parola, Dist. Jalgaon

... Respondent

...
Advocate for Applicant : Mr. Prasad Balasaheb Kadam (Appointed
through Legal Aid)
APP for Respondents: Mrs. Uma Bhosale

...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 21st JUNE, 2024

PER COURT :

1. This is an application for condonation of delay of 642 days caused in filing the criminal appeal against the judgment and order of conviction dated 20.02.2021 passed by Additional Sessions Judge, Amalner, District Jalgaon in Sessions Case No.76 of 2019.

2. Learned counsel for applicant pointed out that accused is under trial. That, there is no male member in his family to take

steps to file appeal against conviction. That, moreover instant proceedings are received to him on being allotted by Legal Aid Cell. For above reasons, he seeks condonation of delay.

3. Learned APP strongly opposed the application on the ground that delay is immense. That, there is no plausible explanation given for his huge delay.

4. Considering the fact that, applicant is under trial and the statement made across the bar by learned counsel for applicant that there is no literally male member in the family of convict to further prosecute the matter by way of appeal and as an fair opportunity to contest the appeal, delay so caused is condoned.

5. The application stands allowed and disposed of.

6. Registry to verify and to take further steps.

7. Issue notice to the respondent in criminal appeal as well as in application for suspension of sentence. Learned APP waives notice on behalf of respondent – State.

8. Stand over to 19.07.2024.

(ABHAY S. WAGHWASE, J.)