

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 347 OF 2023****IN****CRIMINAL APPEAL (ST.) NO. 1665 OF 2023**

Rahim Munawar Pathan

.... Applicant/Appellant

v/s.

The State of Maharashtra and ors.

.... Respondents

Mr. Nitin Satpute a/w. Ms. Arti Bajpai for the Applicant/Appellant.

Mr. S.V. Gavand, APP for the State.

**CORAM: A.S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATED : 22nd FEBRUARY, 2024.****P. C. :-**

1) This is an Application for condonation of delay of 04 years and 179 days in preferring Appeal against Conviction.

2) Learned Advocate for the Applicant/Appellant submitted that, as a matter of fact, Applicant had earlier preferred Appeal against Conviction before the Division Bench at Aurangabad with an Application for condonation of delay of 79 days. That, the said delay was condoned by the concerned Court. Subsequently, it came to the notice of the Applicant that, the appropriate jurisdiction to adjudicate his Appeal is at the Principle Seat of this High Court. Therefore, he withdrew the said Appeal filed before the Aurangabad Bench and filed present Appeal. He submitted that, in the entire process, the said delay of 04 years and 179 days had occurred.

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3) It appears from the record that, the delay of more than 04 years had caused as the Applicant pursued his remedy before wrong forum. The benefit of Section 14 of the Limitation Act therefore needs to be extended to the Applicant.

4) In view of the above and for the reasons stated in the Application, delay is condoned and Application is allowed in terms of prayer clause (d).

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)