

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4756 OF 2023
IN
APPEAL (ST) NO.24192 OF 2023

Hasan Jamir Shaikh ... Applicant / Appellant
Vs.
State of Maharashtra and another ... Respondents

Mr. Mithilesh Mishra i/b. Mr. Agastya Deai for Applicant.
Mr. S. H. Yadav, APP for Respondent No.1-State.

CORAM : MANISH PITALE, J.
DATE : JANUARY 17, 2024

P.C. :

1. This is an application seeking condonation of delay of 691 days in filing the present appeal.

2. The accompanying appeal has been filed in the backdrop of liberty granted by this Court in the order dated 11.07.2023 passed in Criminal Appeal No.695 of 2022.

3. While disposing of the said appeal, this Court had directed that the trial of the appellant be concluded within a period of four months from the date of the order and liberty was reserved for the appellant to renew his prayer for bail in case the trial was not so concluded.

4. Learned counsel for the applicant / appellant submits that even the recording of evidence of witnesses is not commenced and the period of four months is already over. In these circumstances, the appellant has chosen to challenge the order dated 23.10.2021 passed by the Special Court, which was in fact the subject matter of challenge in the aforementioned appeal i.e. Criminal Appeal No.695 of 2022.

5. Considering the aforesaid circumstances, this Court is inclined to

allow the present application and to condone the delay. Accordingly, delay is condoned and the application is allowed. The appeal shall now be registered.

APPEAL (ST) NO.24192 OF 2023

. Heard learned counsel for the appellant.

2. It is brought to the notice of this Court that in the light of the Full Bench judgement dated **01.09.2023** in the case of *Sanjay Krushna Katkar Vs. State of Maharashtra and another* (**Criminal Appeal No.949 of 2022**), the present appeal is now to be considered and decided by the Single Judge of this Court and in that context, the appeal has come up for consideration before this Court. It is brought to the notice of this Court that by order dated 05.01.2024 (Coram: M. S. Karnik, J.), it was specifically directed that the appeal be listed before the Court presided over by Justice Manish Pitale.

3. This Court has taken up the appeal for consideration.

4. Learned APP has appeared for the respondent No.1-State. He would be taking instructions in the matter.

5. In the meanwhile, respondent No.2 (the first informant) be served with papers through the concerned police station within two weeks from today. The learned APP assures this Court that the papers would be served on the respondent No.2 within two weeks.

6. Respondent No.2 would be at liberty to seek assistance of the office of Legal Aid Committee of this Court.

7. List for further consideration on 01.02.2024.

(MANISH PITALE, J.)