

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.826 OF 2024
IN
CRIMINAL APPEAL (ST) NO.3857 OF 2024**

Avinash @ Avi @ Shivram
s/o. Arjun Loke @Lokegaonkar Applicant

versus

The State of Maharashtra & Anr. Respondents
.....

- Mr. Hitesh Jain a/w Dhiraj P. Tiwari a/w Rajat P. Shukla,
Advocate for Applicant.
- Smt. Manisha R. Tidke, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 14th AUGUST, 2024**

P.C. :

1. The Applicant was the original accused No.1 in Sessions Case No.11 of 1997 @ 57 of 1995 before the Additional Sessions Judge, Greater Mumbai. The learned Judge vide the Judgment and Order dated 05/10/2023, convicted the Applicant for commission of offence punishable u/s 307 r/w 34 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for 10 years and to pay a fine of Rs.5,000/- and in default of payment of fine to suffer rigorous imprisonment for

six months. There was another accused i.e. accused No.2 Santosh Jadhav, who was absconding.

2. Learned counsel for the Applicant submitted that at the time of and after his conviction, he was already in custody. He could not engage a lawyer of his choice immediately. There was miscommunication with his family members. Therefore, the Appeal could not be filed within time.
3. Considering these submissions and in the interest of justice, the delay in filing the Appeal is condoned.
4. The Appeal be processed further.
5. Interim Application is disposed of.

(SARANG V. KOTWAL, J.)