

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

INTERIM APPLICATION NO. 929 OF 2024

IN

CR. REVISION APPLICATION (STAMP) NO. 23639 OF 2023

Laxman Haran Kole

...Applicant

vs.

State of Maharashtra

...Respondent

Adv. Isha Saglani a/w. Adv. Siddhant B. Kusalkar, Adv. Ashish Phalke and Adv. Durgesh D. Sarfare :-	Advocate for Applicant.
Ms. S.E. Phad :-	APP for Respondent-State.

CORAM : S. M. MODAK, J.

DATE : 15th JULY 2024

P. C. :-

1. Heard learned Advocate for the Applicant /convicted Accused and learned APP.

2. The Applicant is convicted by the Court of Metropolitan Magistrate, Goregaon on 8th January 2020 for the offence punishable

under Section 406 of the Indian Penal Code [IPC] and sentence is as follows :-

- (i) Simple Imprisonment for two (2) years ;
- (ii) Fine of ₹30,000/- (Rupees Thirty Thousand only) out of that ₹28,000/- (Rupees Twenty Eight Thousand only) will be paid to first informant by way of compensation.

3. His sentence was suspended as per the order dated 7th February 2020 passed by the Court of Additional Sessions Judge. During hearing of the Appeal, Appellant was not even present for various dates. Learned Additional Sessions Judge taken up the Appeal for hearing and dismissed on merits as per the judgment dated 7th October 2022.

4. As a result the Police went to house of Appellant /convicted accused for execution of conviction warrant however, he was at his native place. During Covid-19 pandemic he went to his native place and thereafter could not contact his Advocate. The reasons are given in paragraph Nos. 5 to 11. Learned APP invited my attention to the observations by the Appellate Court about his absence in the

impugned judgment. I find the reasons satisfactory for condonation of delay. Hence following order :

ORDER

- (i) Delay in filing Revision is condoned.
- (ii) Interim Application is disposed of.
- (iii) Revision be numbered.

[S. M. MODAK, J.]

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