

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

**CRIMINAL APPEAL (STAMP) NO.7104 OF 2024
WITH
INTERIM APPLICATION NO. 1327 OF 2024
IN
CRIMINAL APPEAL (STAMP) NO.7104 OF 2024**

Yusuf Khan s/o Bahadur Khan .. Appellant/Applicant

Versus

The State of Maharashtra and Anr. .. Respondents

...

Ms Muskan Shaikh i/b Mr. Mateen Shaik, for the Appellant
/Applicant .

Dr. Ashvini A. Takalkar, APP, for the State.

Mr. Sandesh Patil a/w Mr. Chintan Shah, for Respondent No. 2.

...

**CORAM: NITIN W. SAMBRE &
MANJUSHA DESHPANDE, JJ.
DATED : 4th OCTOBER, 2024**

P.C:-

1. By this Interim Application, the delay of 228 days is sought to be condoned for the reasons disclosed in the Application.

2. The prayer is opposed by Mr. Sandesh Patil, learned counsel appearing for Respondent No.2- NIA on the ground that, the provision cannot be read to mean the powers to be vested in the Court for condonation of delay.

3. We have perused the reasons cited.

4. Apart from above, this Court is equally required to be sensitive to the fundamental rights of the Applicant/Appellant not to detain without following due process of law.

5. The issue which is brought to our notice by the Appellant/Applicant that the issue is covered by the judgment of this Court in ***Faizal Hasamali Mirza @ Kasib V/s The State of Maharashtra and Anr.***¹

6. The proposition of law laid down in the aforesaid judgment is not disputed by learned counsel appearing for Respondent No. 2.

7. That being so, we deem it appropriate to order that delay to be condoned.

8. The Appeal be registered.

9. Issue notice to the Respondents. The learned APP waives on behalf of Respondent No. 1 and Mr. Sandesh Patil, learned counsel waives notice on behalf of Respondent No. 2.

10. Post matter for further consideration on 20th November 2024.

(MANJUSHA DESHPANDE, J.)

(NITIN W. SAMBRE, J.)

1 2023 SCC OnLine Bom 1936