

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

**INTERIM APPLICATION NO.2177 OF 2024
IN
CRIMINAL APPEAL (ST) NO.11579 OF 2024**

Rosie Diamon

.... Applicant

versus

The Intelligence Officer & Anr.

.... Respondents

.....

- Mr. Advait A. Tamhankar i/b. Shekhar S. Bhandary, Advocate for Applicant.
- Mr. Saket R. Ketkar, Spl. PP, for Respondent No.1.
- Mr. Vinit A. Kulkarni, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 23rd JULY, 2024

P.C. :

1. The Applicant was the original accused in NDPS Case No.961 of 2022, before learned Special Judge under NDPS, for Greater Mumbai. Learned Judge vide his Judgment and Order dated 21/02/2024 convicted the Applicant for commission of offence punishable u/s 8(c) r/w 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985. The Applicant was sentenced to suffer imprisonment for 10 years and to pay a fine of

Rs.1,00,000/- and in default of payment of fine to suffer simple imprisonment for two months. The Applicant was also convicted for commission of offence punishable u/s 23(c) r/w 28 of the NDPS Act and she was sentenced to suffer imprisonment for 10 years and to pay a fine of Rs.1,00,000/- and in default of payment of fine to suffer simple imprisonment for two months.

2. Learned counsel for the Applicant submitted that the Applicant is a foreign national. After her conviction she was lodged in Aurangabad jail. Therefore, it was difficult for her to contact a lawyer of her choice to file this Appeal. Therefore, there is delay of 25 days in preferring the Appeal.
3. Learned counsel appearing for the Respondent No.2 opposed these submissions.
4. I have considered these submissions. Considering the explanation offered by the learned counsel for the Applicant and in the interest of justice, the delay of 25 days in filing the Appeal is condoned.

5. The Appeal be processed further.
6. The Interim Application is disposed of.

(SARANG V. KOTWAL, J.)