

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

**INTERIM APPLICATION NO. 2615 OF 2024
(for condonation of delay)
IN
CRIMINAL APPEAL (ST.) NO. 14100 OF 2024
WITH
CRIMINAL APPEAL (ST.) NO. 14100 OF 2024**

Rajendra Narayan Shinde

}*Applicant/
Appellant*

: *Versus* :

1. The State of Maharashtra
and Ors.

}....*Respondents*

Mr. Abhishek Kulkarni *a/w. Mr. Sagar Wakale, for the Applicant/Appellant.*

Ms. Rashmi Tendulkar, APP *for Respondent-State.*

Coram : **Sandeep V. Marne, J.**

Dated : **15 July 2024.**

P.C. :

1) This application is filed seeking condonation of delay of 1 year and 38 days in filing Appeal against order dated 20 February 2023 passed by the Additional Sessions Judge, Pune. The Appeal is sought to be filed challenging the order dated 20 February 2023 to the limited extent of non-issuance of process against Accused Nos.5 to 8.

2) I have gone through the averments in the application. Condonation of inordinate delay of 1 year and 38 days is sought by raising the following averments in the application.

2) The applicant submits that on 23/01/2023 order of issue processed has been passed by the Id Sessions Court Pune. That appeal ought to have been file within 90 days from the date order.

3) The applicant submits that in the year 2023 i.e. after passing the order of issue process against the other accused at that time only applicant had approached to his lawyer in the month of Feb 2023 and given instructions in the month of Feb 2023 and given instructions for filing of appeal before this Hon'ble Court. Since all the documents are handed over to the lawyer, the applicant was under impression that appeal has been filed before this Hon'ble Court. The copy of the orders in which earlier advocate who appeared on behalf of the applicant is annexed herewith and marked as **EXH-A**.

4) The applicant submits that since co accused preferred an appeal before this Hon'ble court and the applicant has received notice from this Hon'ble Court and therefore again applicant approached to his lawer who on instructions appeared in the matter on behalf of the applicant, has refused to conduct the matter on behalf of the applicant and therefore delay has been caused in filing present appeal which is not intentional.

5. The applicant is an advocate and long back he had handed over to the lawyer at Mumbai long back and due to refusal to conduct the matter by the Advocate delay has been caused which is not intentional. The applicant has every hope in succeeding in present appeal. Hence delay be condoned in the interests of justice.

3) The Applicant is a practising advocate and ought to have been more vigilant with regard to the remedies which were required to be adopted in respect of the impugned order. Perusal of the averments made in the

application would indicate that no sufficient cause is made out for condonation of inordinate delay of 1 year and 38 days. The Applicant has raised allegations with regard to his previous advocate, when infact the Applicant himself is a practicing advocate and ought to have known that the Appeal was required to be filed within the prescribed time limit. The vague averments in the application that the applicant was under impression that Appeal was filed before this Court by his previous advocate are irresponsible and cannot be expected from a practicing advocate like the Applicant. I therefore do not find that any valid justification is given for condonation of 1 year and 38 days delay. I am therefore not inclined to condone the delay. The Interim Application is accordingly **dismissed**.

4) In view of dismissal of the Interim Application, nothing would survive in the Appeal. The Appeal is also dismissed.

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Sandeep V. Marne, J.