

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

**INTERIM APPLICATION NO.2889 OF 2024
IN
CRIMINAL APPEAL [STAMP] NO.14672 OF 2024**

Gulabsaheb Appasaheb Multani

and others

.....Applicants

Versus

The State of Maharashtra

.... Respondent

Mr. Vipin Bidkar, Advocate (appeared through VC) for the Applicants.

Mr. Vithal B. Konde-Deshmukh, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 31st JULY, 2024

P.C. :

1. The Applicants are the original accused Nos.2, 3 & 6 in Special (MCOCA) Case No.16/2020 before the Special Judge, Gadhinglaj, District-Kolhapur. The learned trial Judge, vide his judgment and order dated 29.12.2023 convicted the Applicants for commission of the offence punishable under Sections 395, 397 and 120-B read with 34 of IPC as well as under Section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organized Crimes Act, 1999 (for

short, 'MCOG Act'). Under each of these heads, they were sentenced to suffer RI for seven years. In addition, they were also imposed fine amount and in default sentence was imposed. As far as the offences under the MCOG Act are concerned, in addition to the substantive sentence, the Applicants were sentenced to pay fine of Rs.5,00,000/- each under each of the heads and in default of payment of fine they were directed to suffer RI for two years each under each of the heads. That means, if the fine amount is not paid, which would come to around Rs.15 Lakhs, the Applicants will have to suffer sentence of six years in total. The substantive sentences were directed to run concurrently.

2. This is an application for condonation of delay in preferring the Appeal. There is a delay of 118 days in filing the Appeal.

3. Learned counsel for the Applicants submitted that the conviction and sentence was recorded by the Court in Kolhapur District. The Applicants are from a remote place and, therefore, they could not arrange to engage an

Advocate. Some time was lost in collecting the certified copy of the impugned order and also the evidence copies. All this has caused delay of 118 days in filing the Appeal.

4. Learned counsel for the Applicants submitted that the delay be condoned in the aforesaid circumstances.

5. I have considered these submissions. For the reasons mentioned hereinabove and in the interest of justice, the delay of 118 days in preferring the Appeal is condoned. The Appeal be processed further.

6. Interim Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

PRADIPKUMAR
PRAKASHRAO
DESHMANE

Digitally signed by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date: 2024.08.02 17:34:08
+0530