



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION NO.72 OF 2024 IN
CRIMINAL APPEAL (ST.) NO.565 OF 2024**

(Sharukh Khan s/o Shiraj Khan Vs. State of Maharashtra and anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.V. Rai, Advocate for the applicant.
Mr. S.C. Joshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 05, 2024

Heard.

2. By preparing this application, the appellant is seeking condonation of delay which is caused in preferring the appeal to challenge the order passed by the Special Court, Nagpur which is passed in Special Case No.639 of 2021 by which the application for grant of bail is rejected.

3. Learned Counsel for the appellant submitted that the appellant was arrested and since last two years he is languishing in jail. There is no other person in his family to arrange for his defence and to file an application on his behalf. The financial condition of the applicant is weak and therefore, he could not file the Appeal within a period of limitation. Considering that the applicant belongs to the poor strata of the society and doing the labour work and is not having sufficient means, he could not file the appeal, and therefore, the delay of 519 days is caused which is satisfactorily and sufficiently explained by the appellant. In view of that, delay be condoned.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that there is no sufficient and satisfactory reason for condonation of delay and prays for rejection of the application.

5. Having heard learned Counsel for the parties. Perused the application. Considering the reason that the appellant is behind bar since last two years and there is nobody in his house to arrange for his defence. Sufficient ground is mentioned by the applicant. Moreover, it is well settled that while considering the delay condonation application liberal approach is appreciated and not the pedantic approach. In view of that, delay of 519 days is condoned.

6. The application is disposed of.

CRIMINAL APPEAL (ST.) NO.565 OF 2024

Heard.

2. **ADMIT.**

3. Issue notice to the respondents, returnable after one week.

4. Learned Additional Public Prosecutor waives notice for the State.

5. The Police Station Officer, police station Sakardara, Nagpur shall intimate the victim.

(URMILA JOSHI-PHALKE, J.)