



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO. 435/2023 IN
CRIMINAL APPEAL (ST) NO. 2169/2023

(Gulabchand @ Niniki S/o. Bhagchand Bhosle Vs. State of Maharashtra & anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Mr. N. Majithia, Advocate (appointed) for applicant.
Mr. A. Joshi, APP for non-applicant No.1.

CORAM: VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATED : 10/09/2024.

Heard.

2. This is an application seeking to condone the delay of 1148 days caused in challenging the order of conviction dated 09.08.2019 passed in Sessions Trial No. 228/2013 with Sessions Trial No. 361/2014.

3. The applicant who is accused No.4 in the trial has been sentenced to suffer life imprisonment for the offence of gang rape and different sentences for said offence.

4. The applicant was in Jail from the date of arrest. The learned counsel for the applicant would submit that since the applicant is in Jail from his arrest i.e. for the period more than 7 to 8 years, he was unable to arrange for filing an appeal. It is further submitted that the applicant belongs to poor strata and therefore at his request legal aid has been

provided and thus, this appeal is filed through the counsel appointed by the Legal Aid.

5. Long incarceration as well as filing of appeal through legal aid is sufficient reason to condone the delay particularly when the question of personal liberty is involved.

6. In view of above, application is allowed. Delay stands condoned.

7. Application stands disposed of in above terms.

CRIMINAL APPEAL (ST) NO. 2169/2023

1. Heard.

2. **Admit.**

3. The learned APP waives service of notice.

4. Call for R. and P.

5. It is brought to our notice that co-accused No.3 Shashikapoor has filed an appeal bearing Appeal No. 782/2019 which is pending.

6. The registry to find out whether rest convicted accused have filed appeal, if so, all appeal shall be tagged together.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)