



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

CRIMINAL APPLICATION (APPA) NO.688 OF 2024
IN
CRIMINAL APPEAL STAMP NO.4993 OF 2024

(Samayya Anklu Durgam (In Jail) Vs. The State of Maharashtra thr. PSO PS
Reguntha, Tah. Sironcha, Dist. Gadchiroli)

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

Court's or Judge's orders.

Mr. Samir S. Das, Advocate (Appointed) for Appellant.
Mr. S. M. Ukey, APP for Respondent/State.

CORAM: SMT. VIBHA KANKANWADI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATE: 29th JULY, 2024.

Present application has been filed for condoning the delay of 347 days in filing appeal against conviction. The appellant is original accused no.1 who faced the trial in Sessions Case No.23/2020 before learned Sessions Judge, Gadchiroli for the offences punishable under Sections 302, 307, 323, 506, 109 and 201 read with Section 34 of the IPC. However, came to be convicted on 02.03.2023 only under Section 302 of IPC, and he has been sentenced to suffer imprisonment for life and to pay fine of amount of Rs.25000/- (Rupees Twenty Five Thousand) in default to suffer simple imprisonment for a period of three months.

2. Heard Mr. Das, learned Advocate (appointed) for the appellant and Mr. Ukey, learned APP for the respondent/State.

3. Since the legal aid is required to be given to the appellant by the High Court Legal Aid Sub-Committee, Nagpur and thereafter the appeal has been filed and it also appears that the present appellant was arrested on 03.11.2019 and since then he was in jail till the date of the germane, we take it as a reasonable ground to condone the delay. Application stands allowed and disposed of.

4. The registry is directed to verify and register the appeal.

5. Since the arguable points are made, the appeal stands admitted.

6. Issue notice to the respondent.

7. Mr. S. M. Ukey, learned APP waives notice for respondent/State. He waives notice for the application for suspension of sentence also.

8. The copy of depositions are produced on record for considering the application of suspension of sentence. However, it appears that documents in the form of FIR, PM report, inquest *panchnama* and discovery *panchnama* have not been produced. The appellant is directed to produce those documents within a period of three weeks from today, then only the application for suspension of sentence can be taken.

9. Call for record and proceedings with paper-book.

10. Place the matter for further consideration
on 30.08.2024.

(MRS. VRUSHALI V. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)

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