

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

**Interim Application No.3152 of 2024
In
Criminal Appeal (st) No. 16612 of 2024
With
Criminal Appeal (st) No. 16612 of 2024**

Bhushan Kisan Pawar and others ... Applicants

V/s.

The State of Maharashtra ... Respondents.

Mr. Akshay Bankapur for the applicants.

Mr. S.R. Agarkar, APP for the State.

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**CORAM : SARANG V. KOTWAL
& S.M. MODAK, JJ.**

DATE : 21 January 2025.

P.C. :

The applicants have preferred an application for discharge in MCOCA Special Case No.239/2023. It was rejected by the order dated 24 April 2024. However, there is delay of 5 days in filing the appeal challenging that order. Learned Counsel for the applicants submitted that except for applicant No.1, all other accused are in custody and, therefore, they could not immediately instruct any Advocate to challenge the said order. Hence, there was delay of 5 days in filing the appeal.

2. Learned APP opposes the application for condonation of delay, however, considering that delay is only for 5 days and except one, all

the accused are in custody and also in the interest of justice, the delay can be condoned. Hence, the following order:-

ORDER

- (i) The interim application is allowed. The delay of 5 days in filing the appeal is condoned.
- (ii) The appeal be processed further.
- (iii) The Appeal be listed on 11 February 2025.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J)