

(2023) 10 GUJ CK 0056

In the Gujarat High Court

Case No : R/Criminal Misc.Application (For Condonation Of Delay) No. 18202 Of
2023 In F/Criminal Appeal No. 36535 Of 2023

Malaji Kankaji Katara

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 11-10-2023

Acts Referred:

Citation : (2023) 10 GUJ CK 0056

Hon'ble Judges : A.S. Supehia, J;Gita Gopi, J

Bench : Division Bench

Advocate : Darshan A. Dave, Ronak Raval

Final Decision : Allowed

Judgement

A.S. Supehia, J

1. Rule. Learned APP waives service of notice of rule for the respondent State.
2. The present application has been filed for condoning the delay of 752 days in filling Criminal Appeal against the judgment and order dated 30.7.2019 passed by the learned 2nd Additional Sessions Judge, Modasa, District Aravallia in Sessions Case No.21 of 2016.
3. Since the applicant-convict is incarcerated in jail and is assailing his conviction and considering the averments made in the application, in the interest of justice, the delay of 752 days in filling Criminal Appeal against the judgment and order dated 30.7.2019 passed by the learned 2nd Additional Sessions Judge, Modasa, District Aravallia in Sessions Case No.21 of 2016, deserves to be condoned and is hereby condoned.
4. The present application is allowed. Rule is made absolute to the aforesaid extent.