

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 7279 of 2021

In R/CRIMINAL APPEAL NO. 555 of 2021

With

R/CRIMINAL APPEAL NO. 555 of 2021

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ARJANBHAI JAVABHAI GAMAR

Versus

STATE OF GUJARAT

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Appearance:

MR UMANG H OZA(2440) for the Applicant(s) No. 1,2,3,4,5

MS CM SHAH APP (2) for the Respondent(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE SONIA GOKANI

and

HONOURABLE MR. JUSTICE RAJENDRA M. SAREEN

Date : 08/06/2021

ORAL ORDER

(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)

**ORDER IN R/CRIMINAL MISC.APPLICATION NO. 7279 of 2021 IN
R/CRIMINAL APPEAL NO. 555 of 2021 :-**

1. RULE. Learned APP waives service of notice of rule for and on behalf of the State.

2. This is an application under section 5 of the Limitation Act seeking condonation of delay of 119 days caused in preferring the Criminal Appeal against the judgemenet and order passed by the Sessions Judge, Palanpur at Banaskantha in Sessions Case No.94 of 2017 convicting the applicants for the offence punishable under sections 302 read with section 34 of the Indian Penal Code as also under other offences.

3. According to the applicants, they are not having sufficient means to engage private lawyer and therefore, they approached Gujarat High Court Legal Services Committee which availed them legal aid. The learned advocate who is representing the applicants, after gathering the material, prepared the proceedings, which caused the delay. Lockdown because of the Covid-19 is also one of the reasons for the delay.

4. Having heard Mr.Umang Oza, learned advocates for the applicants and Ms.C.M. Shah, learned APP for the State and noticing the ground of poverty the fact that the present proceedings have been filed through legal aid and also considering the pandemic of Covid-19, present application is allowed. The delay of 119 days caused in preferring the Appeal is hereby condoned. Rule is made absolute.

ORDER IN R/CRIMINAL APPEAL NO. 555 of 2021 :-

ADMIT.

Learned APP waives service of notice of admission for and on behalf of the respondent State.

R&P be called for so as to reach this court within a period of four months.

(SONIA GOKANI, J)

(RAJENDRA M. SAREEN,J)

R.H. PARMAR