

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1282 OF 2014
IN APPLN/1281/2014**

THE STATE OF MAHARASHTRA
VERSUS
SUBHASH DAGDU ADHE

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APP for Applicant : Mr. V.D. Godbharale
Advocate for Respondent : Mr. Garud V.B. (appointed)

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CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.

Dated: August 10, 2015

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PER COURT :-

This application is filed seeking condonation of delay in filing the application seeking leave to appeal. The learned Additional Public Prosecutor invited our attention to the contents of the application and also the fact that, it was brought to the notice of the trial Court that, the C.I.D. has stepped into investigation, and as a matter of fact, the investigation is in progress, however, the trial Court proceeded to decide the case. It is submitted that, the C.I.D. completed investigation on 24th July, 2014. Therefore, the learned Additional Public Prosecutor submits that, the application may be allowed.

2. On the other hand, the learned counsel appearing for the original accused vehemently opposed the

prayer for condonation of delay. He submits that, there is inordinate delay in filing the application seeking leave to appeal, which has not been properly explained and therefore, the application for condonation of delay may be rejected.

3. We have heard the learned Additional Public Prosecutor appearing for the applicant/State and the learned counsel appearing for the respondent. With their able assistance, we have perused the contents of the application and also the other material placed on record. It appears from the observations made by the trial Court in para 6 of the impugned judgment that, the trial Court was appraised about the pending investigation by the C.I.D., however, the trial Court proceeded to decide the case. It further appears from the affidavit filed by the Joint Secretary, Law and Judiciary Department, Government of Maharashtra that, the proposal was pending for considerable period. However, since the C.I.D. was seized with the investigation, the appeal could not be filed.

4. We find considerable substance in the contentions of the State that, due to investigation undertaken by the C.I.D., they could not file the appeal within time. In that view of the matter, the delay in filing the application seeking leave to file appeal deserves to be condoned. Accordingly, the application is allowed. Delay is condoned. The application stands disposed of.

5. List Criminal Application No. 1282 of 2014 on
25th August, 2015.

(**A. I. S. CHEEMA, J.**)

(**S.S. SHINDE, J.**)

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SGA/-