

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

Criminal Application No. 3169 of 2014
(In Criminal Application No. 3168 of 2014)

Vitthal Devjibhai Patel,
Age : 33 years,
Occupation : Business,
Proprietor, Saikrupa Traders,
Shahada, District : Nandurbar,
Through Devajibhai Meghajibhai Patel,
R/o. Shahada, District : Nandurbar.

.. Applicant.

versus

Dilip Rama Naik,
Age : 38 years,
Occupation : Business,
Proprietor, Jay Ambe Constructions,
Lonkheda,
R/o. Behind the House of Bansi Gorakh Patil,
Navagaon, Lonkheda,
Taluka : Shahada,
District : Nandurbar.

.. Non-applicant.

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*Mr. M.R. Wagh, Advocate, holding for
Mr. Amit S. Savale, Advocate, for the applicant.*

Mr. D.K. Rajput, Advocate, for the non-applicant.

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CORAM : A.M. BADAR, J.

DATE : 27TH JANUARY 2015

PER COURT :

1. Heard the learned Counsel appearing for the parties.
2. Delay of 10 days has occasioned in filing Application seeking leave to file appeal under Section 378(4) of the Code of Criminal Procedure, 1973. The reason attributed is personal difficulty of the learned Counsel appearing for the applicant in drafting and filing the Application.
3. On behalf of the non-applicant, the application is opposed by contending that the reason so stated is not bona fide.
4. The application seeking condonation of delay is on affirmation. The averments made therein are uncontroverted. Hence, I see no reason to disbelieve duly verified testimony of the applicant depicting sufficient cause for condoning the delay.
5. Hence, the present Application is allowed. The delay in filing the Application seeking leave to file appeal is condoned.

(A.M. BADAR)
JUDGE

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