

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3023 OF 2015
IN APPLN/3022/2015 WITH APPLN/3022/2015

THE STATE OF MAHARASHTRA
VERSUS
DR. OMPRAKASH S/O LALBAJI KINGAONKAR

...
APP for Applicant : Mrs. S.A. Dhumal
Advocate for Respondent No.1: Mr. G.A. Kulkarni h/f Mr. R.S. Deshmukh
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CORAM : V. K. JADHAV, J.

DATED : 7th SEPTEMBER, 2015

P.C. :-

1. The applicant-State prays for condonation of delay of 43 days caused in filing application seeking leave to prefer appeal against the judgment and order of acquittal dated 21.01.2015, passed by learned Special Judge and Additional Sessions Judge, Ambajogai, in Special (ACB) Case No. 1 of 2011 for the offences punishable under Sections 7 and 13(1) (d) r.w. Section 13(2) of the Prevention of Corruption Act, 1988.

2. The learned A.P.P. submits that the delay has been caused on account of some administrative difficulties. The proposal was sent to the Law and Judiciary department and after sanction received from the office of Law and Judiciary department, the application for leave to prefer appeal is filed in this Court.

3. The learned counsel for respondent-sole submits that even though the certified copies were received by the applicant-State on 29.1.2015, proposal to Law and Judiciary department was forwarded on 2.5.2015. The learned counsel further submits that within 5 days the Law and Judiciary Department, Aurangabad has sanctioned the said proposal and even thereafter this application is preferred on 12.6.2015 for which no satisfactory explanation is given.

4. It appears that the Law and Judiciary department, Aurangabad has sanctioned the proposal on 7.5.2015 and thereafter from 8.5.2015 summer vacation was going on. It appears that immediately after opening of the Court this application has been preferred.

5. In view of this, delay of 43 days caused in filing application seeking leave to prefer appeal is hereby condoned. Application is disposed of.

6. On the application seeking leave to prefer appeal, issue notice to the respondent. Learned counsel waives notice for respondent. Call for record and proceedings. Stand over to 23.9.2015.

(V. K. JADHAV, J.)

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