

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3090 OF 2015
IN APPLN/3089/2015 WITH APPLN/3089/2015

THE STATE OF MAHARASHTRA
VERSUS
DILIP HIRAMAN PATIL

...
APP for Applicant : Mr. D.B. Bhange
Advocate for Respondent : Mr. M.M. Bhokarikar
.....

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 31.01.2015, passed by learned J.M.F.C. Jalgaon in R.C.C. No. 260 of 2009 for the offences punishable under Sections 354, 293, 509 of I.P.C.

2. The learned A.P.P. submits that after receipt of judgment of acquittal passed by the learned Magistrate, the proposal was forwarded to Law and Judiciary department and sanction was received by the office of Public Prosecutor, High Court, Bench at Aurangabad on 6.5.2015. Thereafter, the application could not be preferred on account of summer vacation and therefore, the delay has been caused.

3. The learned counsel for respondent-sole submits that even though the learned Magistrate has passed the judgment and order of acquittal on 31.1.2015, the proposal with Law and Judiciary department was sent belatedly and for which no satisfactory explanation is tendered.

4. Considering the fact that the sanction was received on 6.5.2015 and since the summer vacation was going from 9.5.2015 to 7.6.2015, the delay has been caused and the same deserves to be condoned.

5. In the light of above, 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.

(V. K. JADHAV, J.)

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