

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4851 OF 2013

IN

CRIMINAL APPLICATION NO.4850 OF 2013

Dr. Babasaheb Ambedkar Cooperative
Sugar Factory Limited,
Keshegaon, Tq. & Dist-Osmanabad,
Through its Authorized Signatory
Shri Pramod Bhagwat Bhusare,
Age-36 years, Occu:Service,
R/o-Keshegaon, Tq. & Dist-Osmanabad.

...APPLICANT

VERSUS

Agatrao Babruwan Padulkar,
Age-Major, Occu:Business,
R/o-Lasona, Tq. & Dist-Osmanabad.

...RESPONDENT

...

Mr.Pawan Ippar Advocate h/f. Mr. S.J.
Salunke Advocate for Applicant.
Mr.P.D. Sangvikar Advocate for Respondent.

...

CORAM: A.I.S. CHEEMA, J.

DATE : 26TH FEBRUARY, 2015

ORAL ORDER :

1. Heard learned counsel for Applicant and
learned counsel for Respondent - original accused.

2. Learned counsel for Applicant is submitting that the Applicant - complainant is a sugar factory and earlier when the order by J.M.F.C. was passed, wrong remedy was pursued before the Sessions Court and the concerned appeal came to be dismissed as not maintainable. It is submitted that because of this, there was delay. It is further submitted that there was some more delay because of the Applicant - complainant getting busy due to crushing season. Learned counsel submits that time was required for collecting the necessary documents and certified copies and because of this, there has been delay and the same be condoned in the interest of justice.

3. Learned counsel for Respondent - accused submits that the explanation of being busy in crushing season, is not satisfactory explanation and the delay has not been properly explained and

the Application should be rejected.

4. Looking to the main Criminal Application No.4850 of 2013 and the present Application and reasons submitted, some part of the delay is justifiable because of pursuing wrong forum, while some delay is not justifiable. Still, however, in the interest of justice, on payment of costs, delay needs to be condoned. For the reasons stated above, I pass following order-

O R D E R

(A) The delay is condoned subject to payment of costs of Rs.2000/-(Rupees Two Thousand) to be paid to the State.

(B) The costs shall be deposited on or before 18th March 2015 in the Registry of this Court. In default, the Application shall be treated as rejected.

(C) If the costs are deposited as above, Criminal Application No.4851 of 2013 shall be treated as allowed and then Criminal Application No.4850 of 2013 be listed for admission hearing.

(D) Criminal Application No.4851 of 2013 stands disposed of, accordingly.

[A. I. S. CHEEMA, J.]