

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CRIMINAL APPLICATION NO.626 OF 2014
IN
CRIMINAL APPEAL (ST) NO.393 OF 2014**

Popat Madhav Nimbalkar ... **Applicant**

V/s.

Malerao @ Nishanth Rangrao Kakade & Ors. ... **Respondents**

.....

Mr.Wasim Ansari h/f Mr.Vishal Kolekar, Advocate for the Applicant.
Mr.R.R.Bansode, Advocate for the Respondent No.2.
Ms.S.S.Kaushik, APP for the Respondent/State.

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CORAM : ABHAY M. THIPSAY J.

DATED : 24TH FEBRUARY, 2015

P.C.

1. Heard.

2. Though the applicant is seeking condonation of delay of about 38 days in filing Criminal Appeal against the Judgment and Order dated 12th December 2013 passed by the Additional Sessions Judge, Solapur in Criminal Appeal No.8 of 2010, actually the appeal is being filed under the proviso to Section 372 of the Code of Criminal Procedure. The applicant claims to be a victim. It has been held by this court that such appeal by victim need not be preferred within a particular time limit.

3. As such, there is no necessity of passing any order condoning the delay. The application is disposed of with aforesaid observations.

4. Let the Criminal Appeal be numbered and be listed on board for admission on **12th March 2015**.

(ABHAY M. THIPSAY J.)