

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 432 OF 2012

M/s. Sonigra Sewing Machine Company .. Applicant

v/s.

State of Maharashtra & ors. ..Respondent/s

Devmani Shukla i/b. Kshitish Shukla for the Applicant.
Mr.Nilesh Masurkar for the Respondent No.2.
Mr.J.H.Ramugade APP for the State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 24th AUGUST, 2015**

P.C. :

1. Heard learned Counsel for the applicant and the learned counsel for the respondent. By this application, the applicant has sought to condone the delay of 101 days in filing the appeal .
2. The applicant has stated that he had appeared before the Magistrate on 22nd March, 2011, on which date the case was adjourned to 6th May, 2011. On 5th May 2011 he was informed by his advocate that the Magistrate had proceeded on leave and it was not necessary for him to

remain present in the court. The applicant has stated that his Advocate failed to inform him the next date and he lost track of the date and subsequently, on 17th January, 2012 he learnt that the impugned judgment was passed on 23rd September, 2011.

3. The reason disclosed in paragraph 3 of the application reveals that relying upon the advise of his advocate, the applicant had not appeared in the court on 6th May, 2011 and that he had lost the track of the subsequent dates as his advocate had failed to communicate the subsequent dates. The mistake was bonafide and was not tainted with malafide motive. Refusal to condone the delay would result in grave miscarriage of justice. The delay, therefore, is sufficiently explained. The delay in filing the application for leave to appeal is condoned.

4. Registry is directed to number the application for leave to appeal. Stand over to 14th September, 2015.

[ANUJA PRABHUDESSAI, J.]