

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

CRIMINAL APPLICATION NO.573 OF 2014
(FOR LEAVE TO APPEAL)

Mr. Arup Madanchand Rana .. Applicant

v/s.

1. M/s. Suman Motels Ltd. & Ors. ..Respondents

Mr. Kunal Kamble for the applicant.
Mr. J. H. Ramugade APP for respondent .

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 1st SEPTEMBER, 2015.**

P.C.

1. This is an application for condonation of delay of two years and 120 days in filing Appeal for challenging the order dated 7/4/2012 passed in C. C. No.1073/SS/202 passed by the Learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai whereby the learned Magistrate dismissed the C.C. No.1073/SS/2002 for non-prosecution.

2. The avernments made in the application reveal that several similar cases were filed against respondent nos.1 to 4 alleging financial fraud. By order dated 19/11/2003 in Criminal Writ Petition No.1467/2003, several cases including Criminal Complaint No.1073/SS/2002 filed by the applicant herein were stayed. Subsequently, stay was vacated. Pursuant to the direction given by the

Inspection Cell of the High Court, Criminal Case No.1073/SS/202 was taken on board. The contention of the applicant is that the date of hearing was not notified to him or to his Counsel. In the light of the said statement, in my considered view the applicant has made out sufficient case for condoning the delay. Hence, delay is condoned. Application be registered.

(ANUJA PRABHUDESSAI, J.)