

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

CRIMINAL MISCELLANEOUS APPLICATION NO.696 OF 2015
IN
CRIMINAL APPLICATION NO.175 OF 2013
(FOR LEAVE TO APPEAL)

Shri Pradeepkumar Eknath Sarang ... Applicant
v/s.

Mr. Laxman Dhondiba Kokare & Anr. ...Respondents

Mr. Kishor Bhatia for the applicant.

Mr. Deepak C. Natu, Ms. Sunita S. Ghane i/b. M/s N. Deepak & Co. for respondent No.1.

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

P.C.

1. By this application, the applicant has sought to condone the delay of 5 years and 2 months and 20 days in filing the application for leave to appeal.

2. It is submitted that in view of the amendment of the provisions of section 372 of Cr.P.C. the applicant had preferred an appeal before the Sessions Court on 27/2/2013 and the same was dismissed for want of jurisdiction.

3. It is thus, evident that the applicant had filed the appeal before a wrong forum based on a wrong advise. This itself constitutes

sufficient cause. Furthermore, the applicant has pursued the appeal bonafidely and with due diligence before the Sessions Court from 7/12/2007 till 27/2/2013. The time spent in pursuing the matter in a wrong forum also needs to be excluded under the provisions of Section 14 of the Limitation Act.

4. Under the circumstances, the Application is allowed in terms of prayer clause(a). The delay of 5 years and 2 months and 20 days in filing the application for leave to appeal is condoned.

5. The application for leave to appeal be registered.

(ANUJA PRABHUDESSAI, J.)