

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.472 OF 2014

Kiran V. Shetty V/s. Bhagat Housing Development Pvt.Ltd. & Ors.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr.Roshan Tanna, for the applicant-appellant.
Mrs.Anamika Malhotra, APP for the respondent-State.
None present for respondent nos.1 to 5.

CORAM : A.R. JOSHI, J.
DATE : 04TH AUGUST 2015

P.C.:

1. Heard learned counsel for the applicant in this application for condonation of delay of 294 days in preferring the appeal challenging the acquittal of the respondents in the matter of offence punishable under sections 3,4,5,6,7,10,11,12-A and 13 of Maharashtra Ownership of Flats Act, 1963.

2. Two affidavits are filed by the applicant along with the acknowledgments showing the service on all the five respondents. None present for said respondent nos.1 to 5. Learned APP for respondent no.6-State.

3. The apparent delay is due to adopting wrong course of action by filing a revision challenging the order of the dismissal of the complaint. Subsequently, the said revision was withdrawn on 07th January 2014. Thereafter an appeal was preferred but without any success as that was not proper course of action. Thereafter, again writ petition was filed before this Court and which was then withdrawn by obtaining liberty to file appeal before the appropriate Court. Under these circumstances, the present application came to be filed in July 2014 thus causing delay of about 294 days. Mainly considering that the original disposal of complaint was for want of prosecution, this Court is inclined to grant a present application with a view that the dispute between the parties can be put to end on merits and not on technicality. As such the present application is allowed. The delay is condoned.

4. Notice be sent against respondent nos.1 to 5 of the application for leave to file appeal. Private service is allowed.

5. Learned APP for respondent no.6-State waives service. Stand over to 25th August 2015.

(A.R. JOSHI, J.)