

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

CRIMINAL APPLICATION NO. 576 OF 2014

Salim Abdul Rahiman Kacchi .. Applicant

v/s.

Vijay Madhukar Yeole & Anr. ..Respondents

Mr. Priyanka Joshi i/b R.S. Kate for the applicant

Mr. K.J. Phakade for respondent no.1

Mrs. R.V. Newton, APP for respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 25th AUGUST, 2015.**

P.C.

1. Heard learned Counsel for the respective parties and learned APP for the State.

2. By this application, the applicant has sought to condone the delay of 43 days in filing an application for leave to appeal. In paragraph 2 of the application, the applicant has stated that the impugned judgment was passed on 24.06.2014 and since he was not aware about the limitation for filing the application for leave to appeal, he forwarded the case papers to the advocate by

courier. He has stated that the delay was not deliberate.

3. On going through the statement made in the paragraph 2 of the application, I find that the delay is sufficiently explained. There is no gross negligence or *mala-fide* on the part of the applicant. Dismissal of the application will result in miscarriage of justice.

4. Under the circumstances, the delay is satisfactorily explained. Hence, the application is granted. Delay in filing the application for leave to appeal is condoned.

5. Registry to number the application and place it on board on 15th September, 2015.

(ANUJA PRABHUDESSAI, J.)