

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

CRI. WRIT PETITION NO. 4526 OF 2014

M/s. Nikita Udyog

... Petitioner.

V/s.

State of Maharashtra & Anr.

... Respondents.

Mr. Siddharth Murarka, Advocate for Petitioner.

Mrs. G.P. Mulekar, A.P.P. for the State.

Ms. Archana P. Gaikwad for Respondent No.2.

CORAM : M.L.TAHALIYANI,J.

DATE : 24th JUNE, 2015

P.C. :

1 Heard learned counsel appearing for the petitioner, learned additional public prosecutor for the State and learned counsel for Respondent No.2.

2 Respondent No.2 is aggrieved of the order dated 31st July, 2014 passed by the learned Additional Sessions Judge of Court/ Room No. 21 of the Sessions Court, Sewree, Mumbai. The Application for condonation of the delay in filing the appeal by respondent no.2 was allowed on 31st July, 2014 without hearing the applicant (original complainant). The application was listed on 30th July, 2014 and was adjourned to 13th August, 2014, as the Presiding Judge was not present.

However, it was taken up for hearing on 31st July, 2014 and the delay was condoned. No opportunity was given to the Petitioner of being heard.

3 The order dated 31st July, 2014, therefore, is set aside. The application for condonation of the delay shall be heard afresh.

4 Writ petition stands disposed of.

(JUDGE)

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