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

*CRIMINAL APPLICATION No. 673 of 2014
ALONG WITH
CRIMINAL APPLICATION No. 674 of 2014.*

Sudhakar K. Sharma ..Applicant.

Vs

Ms. Rajni Gupta & Anr ..Respondents.

Mr Mahesh Subramaniam, Advocate for the Applicant.

Mrs Anamika Malhotra, APP for the State.

Mr R.S.Lodhi, Advocate for the Respondent No.1.

CORAM : A.R.JOSHI,J

DATE : 25th JUNE, 2015

PC. :

- 1) Heard rival submissions on this application for condonation of delay of 190 days in preferring appeal along with application for leave to prefer appeal.
- 2) The grounds mentioned in the application are that the applicant could not approach the Advocate prior to September, 2014 though certified copy was ready and delivered by end of May, 2014. It is submitted that the delay is not deliberate and intentional and there was a bona fide mistake and only after consultation with the lawyer the papers were prepared. Counter to this argument, learned Advocate for the respondent No.1 stated that deliberately the matter was not filed in time and in fact on merits the applicant had no case.
- 3) Considering the grounds mentioned in the application and

considering that delay is only 190 days and considering that the main appeal is challenging the judgment and order of acquittal of the respondents, in the opinion of this Court, the present application can be allowed and hence, the application is allowed. The delay is condoned. The application for leave to file appeal will be heard on the adjourned date. Respondent No.1 waives service of the application for leave to file appeal. Learned counsel for respondent No.1 undertakes to file Vakalatnama on behalf of the respondent No.1. Application Nos. 673 and 674 of 2014 are disposed of.

Learned APP for respondent No.2 State waives service.

Stand over to 16th July,2015.

(A.R.JOSHI, J.)