

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application (APPA) No.76 OF 2014

Abdul Samad Abdul Munaf

-Vrs.-

The State of Mah. through P.S.O., P.S. Frezarpura, Amravati and 5 others.

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Shri R.R.Vyas, counsel for applicant.
 Ms. Udeshi, APP for respondent State.

CORAM : A.B.CHAUDHARI AND
P.N. DESHMUKH, JJ.

DATED : 16th MARCH, 2015

Seen order dated 9.3.2015. Shri Vyas, the learned counsel for the applicant states that appeal was filed under section 372 of the Code. He submits that in paras 6, 7 & 8 of the application it was stated that the appeal was ready and was only to be filed but the clerk did not file and there is delay in filing the appeal. It is further submitted that as a matter of fact as per the view taken by this court in the case of **Balalsaheb Rangnath Khade Vs. State of Mah.** reported in **2012(3) Mh.L.J. (Cri) 99** limitation provided by Article 114 does not have application. We find substance in what Mr. Vyas has contended. Hence, the order regarding payment of cost of Rs.5,000/- by the clerk of advocate is recalled.

JUDGE

JUDGE