

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

CRIMINAL APPLICATION NO.263/2015

(Vilas Ramchandra Ladikar ..vs.. Shri Sanjay Gunwant Band anr anr.)

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

Court's or Judge's orders.

Mr. N. D. Thombre, Advocate for applicant.
Mr. S. B. Ahirkar, A.P.P. for non-applicant-State.

CORAM : A.B. CHAUDHARI, J.

DATE : JUNE 19, 2015.

This is an application under Section 482 of the Cr.P.C. putting challenge to order dated 07.03.2015 in Misc. Civil Application No.1374/2014 on 07.03.2015 passed by District Judge-11, Nagpur by which the learned District Judge condoned the delay of 229 days in filing appeal before him against the judgment and order dated 30.08.2013 passed by 14th Jt. Civil Judge Jr. Dn., Nagpur in R.C.C. 1625/2007 that too with cost of Rs.2,000/- on the non applicant.

Heard learned counsel for the applicant. Perused the impugned order. The delay was of 229 days in filing the appeal in respect of an order of acquittal of the offence punishable under Section 420 of the Indian Penal Code.

Admittedly, complainant i.e. non applicant no.1 did not have any knowledge about order of acquittal since he was not a party to the case. The appellate Court, therefore, found that in the absence of knowledge of judgment of acquittal of applicant herein he was not supposed to keep track of the case in the trial court. The appellate court also found that for want of knowledge, delay of 229 days was liable to be condoned. The lower appellate court also imposed costs of Rs.2000/- payable to non applicant no.1 for condoning the delay of 229 days.

The aforesaid order condoning the delay is neither perverse nor without jurisdiction. The trial court has, in fact, adopted the well settled principles for condoning the delay particularly when non applicant no.1 had no knowledge about order of acquittal.

In the result, I pass the following order.

ORDER

(i) Criminal Application No.263/2015 is rejected.

JUDGE