

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APPP] No. 454 of 2015
IN
Criminal Application [APPA] No. 253 of 2015
IN
Criminal Appeal No. 480 of 2011 [decided]
[Range Forest Officer Vs. Laxman Kanhu Pendam & others]

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

Court's or Judge's orders

Mr. Prashant Gode, Adv., for the applicant-appellant.
Mr. V.G. Wankhede, Adv., for respondents.

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CORAM : V.M. DESHPANDE, J.

DATE : 15th September, 2015.

This is an application for condonation of delay in filing the application for restoration of the appeal.

Heard Mr. P.A. Gode, learned counsel for the Forest Department/Applicant and learned Adv. Mr. V.G. Wankhede for the respondents.

The Criminal Appeal was lodged by the Forest Department before this Court. That appeal was also barred by limitation. The delay was condoned by this

Court. It shows that nobody was appearing on behalf of the Forest Department on various dates. Therefore, this Court on 9th October, 2013 dismissed the appeal for want of prosecution.

Present application is for restoration of the said appeal.

It is not in dispute that the certified copy of the order by which the appeal was dismissed by this Court was applied on 6th February, 2015, i.e., after a lapse of 485 days. The copy of the order was received by the Department on 18th February, 2015 and present application was filed on 9th April, 2015. From the application for condonation of delay filed by the Department, it appears that the entire blame now the Department wants to shift on its earlier counsel without any material on record to substantiate such claim of the Department. Behind the back of the said Advocate, everything is alleged. There is nothing on record to show that as to on what date exactly the Department received the case papers from the earlier Advocate.

No sufficient explanation is offered in the application, except the explanation which the Range Forest Officer has submitted that due to administrative work, he was unable to take proper steps. Such a casual approach on the part of the Department cannot be considered for deciding the application for condonation of delay, especially when it is noticed that the appeal

was against acquittal and even during pendency of the appeal, the Department was casual in prosecuting the appeal. Hence no case is made out. Application is **rejected**.

Judge

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