

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD

CRIMINAL APPLICATION NO. 2606 OF 2015

Ratnadeep Nagari Sahakari Patpedhi Ltd.,
Shahada, Tq. Shahada, Dist. Nandurbar
and another

...Applicants

VERSUS

Dr. Subhash s/o Namdeo Sonawane
and others

...Respondents

.....
Ms. Chinmayee Deshpande, advocate for applicants
Respondent nos. 1 to 4 absent
Smt. R.K.Ladda, A.P.P. for respondent no.5/State

.....

CORAM : INDIRA K.JAIN, J.

DATED : 11th January, 2016

ORDER :

Heard Ms. Chinmayee Deshpande, advocate holding for Shri S.V.Natu, learned counsel for applicants. None for respondent nos. 1 to 4. Smt. R.K.Ladda, learned A.P.P. present for respondent no.5.

2] It appears that 1938 days delay has been caused in filing an application for leave to appeal against the judgment and order, dated 16.11.2009, passed by the learned Judicial Magistrate, First Class, Shahada, District Nandurbar in S.T.C. No. 682 of 1998 thereby acquitting the respondent nos. 1 and 2.

3] Delay is inordinate. According to applicants they filed Criminal Appeal No. 37 of 2009 before the Sessions Court, Shahada challenging the order of acquittal. The said appeal was dismissed

with liberty to applicants to approach the appropriate forum. Applicants submitted that delay is unintentional and due to bona fide belief that Criminal Appeal against the order of acquittal would lie before the Sessions Court.

4] As contesting respondents have not appeared averments made in the application have gone unchallenged. Hence, for the reasons assigned in the application delay as prayed is condoned.

5] Criminal Application No. 2606 of 2005 is allowed.

[INDIRA K.JAIN, J.]

dbm/crap2606.15