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

Criminal Application No. 6658 of 2016

District : Parbhani

Sow. Suwarna w/o. Parmeshwar Sukre,
Age : 29 years,
Occupation : Household,
R/o. at present residing at
Vidya Nagar, Sailu,
Taluka Sailu, .. Applicant
District Parbhani. (Original respondent)

versus

1. Parmeshwar s/o. Bapurao Sukre,
   Age : 32 years,
   Occupation : Agriculture.

2. Bapurao s/o. Abarao Sukre,
   Age : 61 years,
   Occupation : Agriculture.

3. Lilawati w/o. Bapurao Sukre,
   Age : 56 years,
   Occupation : Household.

4. Kashinath s/o. Bapurao Sukre,
   Age : 28 years,
   Occupation : Agriculture.

5. Someshwar s/o. Bapurao Sukre,
   Age : 28 years,
   Occupation : Agriculture.

6. Lata w/o. Kashinath Sukre,
   Age : 28 years,
   Occupation : Household. .. Non-applicants
   (Original
   All R/o. Azad Nagar, Majalgaon, applicants)
   District Beed.

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Mr. R.J. Nirmal, Advocate, for the applicant.

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CORAM : Z.A. HAQ, J.

DATE : 14TH DECEMBER 2016

ORAL ORDER:

Heard.

02. The applicant has challenged the order passed by the Addl. Sessions Judge allowing the application (Exhibit No.05) filed by the respondents and condoning delay of 467 days in filing appeal.

03. The applicant had filed application under the provisions of the Protection of Women From Domestic Violence Act, 2005 which is allowed by the judgment passed by the trial Magistrate on 15th September, 2011. The non-applicants filed appeal before Sessions Court to challenge the above judgment and as there was delay of 467 days in filing appeal, the application (Exhibit No.05) was filed.

04. With the assistance of the learned Advocate for the applicant, I have examined the documents placed on record of this application. The learned Advocate has referred to the Roznama of Misc.

Criminal Application No. 40/2010 of 15th September, 2011 which records that both parties were present when judgment was delivered. Relying on the above endorsement, it is submitted that the non-applicants were aware that judgment was delivered on 15th September, 2011 and the explanation given in the application seeking condonation of delay are false and cannot be accepted.

05. I have gone through the reply which was filed by the applicant before Sessions Court opposing the application (Exhibit No.05), the copy of which is placed on record of this application. In the reply, there is nothing to show that the reasons given by the non-applicants for explaining the delay, cannot be accepted.

06. I find that the learned Addl. Sessions Judge has adverted to the relevant aspects and has rightly exercised discretion and condoned the delay. I see no reason to interfere with the impugned order.

The Application is dismissed. No costs.

(Z.A. HAQ)
JUDGE

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