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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.345 OF 2016

Vinayak Dashrath Bogam

..Petitioner.

V/s.

State of Maharashtra and Ors.

..Respondents.

Mr.Manish Jain i/b. Mr.S.M.Jain and Associates for the petitioner.

Mrs.S.D. Shinde, APP for respondent-State.

**CORAM : NARESH H. PATIL AND
A.M.BADAR, JJ.**

DATED : 8TH MARCH, 2016

P.C. :-

1. The petitioner's contention is that while filing delay condonation application, the respondent-defendant made false statement. Petitioner's contention is that in application filed seeking condonation of delay in First Appeal (St) No. 12762 of 2010 filed by respondent No.3 - defendant, made following statement in para No.4 which reads as under :-

"4. The applicant states that, thereafter the applicant collected all necessary certified documents. The applicant states and submits that, the applicant is at

initial stage of his career and as such it was difficult for him to raise the funds for the purpose of court fees, expenses and professional fees. The applicant states and submits in such circumstances the delay has been caused which is unintentional and hence deserves to be condoned in the interest of justice. The applicant states that, after collecting all necessary documents and raising funds the applicant handed over the same to the present lawyer in the month of February, 2010. "

2. Counsel for the petitioner submits that he is not in a position to point out if sufficient funds were available with respondent No.3. He, therefore, prays for an inquiry under section 430 read with section 195(1) (b) (i) of the Code of Criminal Procedure, 1973 against respondent No.3 for offence punishable under sections 192, 193, 199 and 200 of the Indian Penal Code.

3. Learned counsel for the petitioner further submits that the delay was accordingly condoned vide order dated 6th February, 2015 (Civil Application No.1841 of 2010) by the learned Single Judge of this Court. Counsel submits that the proceedings of the appeal are now transferred to the appropriate District Court.

4. We have perused the record. We are not *Prima facie* satisfied for initiating inquiry against respondent No.3 as prayed by the petitioner. The petition is accordingly dismissed.

(A.M.BADAR, J.)

(NARESH H. PATIL, J.)