

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

**CRIMINAL APPLICATION NO.187 OF 2016
IN**

**CRIMINAL APPLICATION NO.32 OF 2015
(For Leave to Appeal)**

**WITH
CRIMINAL APPLICATION NO.32 OF 2015
(For Leave to Appeal)**

Mr.Vijay Sanghavi ... **Applicant**
V/s.

The State of Maharashtra & Anr. ... **Respondents**

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Mrs.Kavita M. Pawar, Advocate for the Applicant.

Mr.Anand Talreja, Advocate for the Respondent No.2.

Mrs.P.P.Bhosale, APP for the Respondent/State.

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CORAM : ABHAY M. THIPSAY J.

DATED : 3th MARCH 2016.

P.C.

1. This is an Application for condonation of delay in filing an application for special leave to appeal from an order of acquittal passed by a Metropolitan Magistrate on 31/01/2014.

2. Heard Mrs.Kavita M. Pawar, the learned counsel for the applicant. Heard Mr.Anand Talreja, the learned counsel for the respondent No.2.

3. It is not in dispute that the applicant had filed an Application for revision in the Court of Sessions challenging the said order of acquittal. This Revision Application was filed on 01/04/2014, obviously, under an erroneous belief that the order could be subjected to the revisional jurisdiction of the Court of Sessions. On realizing that the Revision was not maintainable, as appeal has been provided from the said order, which was of acquittal, the Revision Application was withdrawn on 04/12/2014. The present Appeal appears to have been filed on 22/12/2014.

4. The learned counsel for the respondent No.2 submits that as per the information available on the website of this Court the present Appeal is filed not on 22/12/2014 but on 15/01/2015. Even if that be so, in my opinion, there is sufficient cause for condoning the delay that has occurred in filing an application for leave to appeal.

5. Delay condoned.

6. The Application for leave to appeal be listed on board for admission on **09th March 2016**.

(ABHAY M. THIPSAY J.)