

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 721 OF 2014

Shri Satyanarayan Gulab Vanjale. ... Applicant.
Versus
Shri Pravin Bhagwanrao Napate & ors. ... Respondents.

Mr. Jakate h/f. Mr. Sushil Nimbkar, advocate for Applicant.

Mr. S.S. Pednekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : MARCH 7, 2016

P.C.:

1 This is an application seeking condonation of delay in filing an application seeking leave to appeal. There is delay of 134 days.

2 It prima facie appears that the application seeking leave to appeal was sworn by the applicant on 25/8/2014. That the matter was not circulated. It has appeared before the court that on 9/1/2015 none appeared for the applicant. Hence, the application was dismissed for want of prosecution by this Court (Coram : A.M.

Thipsay, J). The application seeking restoration was filed. There was a delay of 33 days in filing restoration application. By an order dated 15/12/2015 the delay of 33 days in filing application seeking restoration was condoned in the interest of justice and the application was restored to its original status.

3 The application seeking condonation of delay was actually filed on 25/8/2014 and there is delay of 134 days in filing an appeal. The learned Counsel for the applicant submits that it took some time for finalising draft of the appeal.

4 On perusal of the appeal memo, it prima facie appears that except stating that the learned Judge has committed an error in arriving at a conclusion that 5 witnesses examined by the appellant speak different stories regarding the construction of new temple and destruction thereof, there is hardly any ground made therein. However, the application seeking leave to appeal deserves to be decided on merits after issuing notice.

5 In view of this, delay of 134 days deserves to be condoned upon depositing cost of Rs. 500/- in this Court within one week from today. In the eventuality that the cost is not deposited within one week, the application seeking leave to appeal shall stand dismissed for want of prosecution without further reference to the court. The application seeking condonation of delay deserves to be allowed. The matter to be listed for admission on 29/3/2016.

6 The application is allowed and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)