

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**CRIMINAL APPLICATION (APPA) NO.244 OF 2015**

(STATE OF MAH. THR. ACP..VS..BANNASINGH @ RUPSINGH ATTARSINGH BAWRI & 2 OTH.)

IN

**CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2015.**

AND

**CRIMINAL APPLICATION (APPA) NO.245 OF 2015**

(STATE OF MAH. THR. ACP..VS..BANNASINGH @ RUPSINGH ATTARSINGH BAWRI & 2 OTH.)

IN

**CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2015.**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Shri S.S.Doifode, A.P.P. for Applicant.  
Shri A.V. Band, Advocate (appointed) for Respondent No.1.  
Shri P.K. Dahat, Advocate (appointed) for Respondent No.2.  
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**CORAM : B.P.DHARMADHIKARI AND**  
**KUM. INDIRA JAIN, JJ.**

**DATED : DECEMBER 16, 2016.**

1. These appeals are filed by State Government respectively under Section 377(1) of the Code of Criminal Procedure for enhancement and under Section 12 of MCOC Act read with Section 378 of the Code of Criminal Procedure assailing acquittal.
2. There is delay of 84 days in filing the appeals and hence, Criminal Application Nos. 244 and 245 of 2015 are taken up for condoning it.
3. The learned A.P.P. is relying upon the affidavit in support to urge that because of administrative compliance required to be made the delay has occurred. He also points

out that the informant and victim have filed their separate appeals challenging very same judgment and those appeals are within time.

4. Advocate Shri Band and Advocate Shri Dahat (appointed) opposed the prayer for condonation of delay. They submit that leave as sought for by informant and victim is still not granted.

5. As those appeals seeking leave are pending, in absence of proof of any malafides on behalf of the Government, we are inclined to condone the delay.

6. The request of the Government for grant of leave to appeal will be considered along with similar requests of informant and the victim.

7. Needless to mention that Shri Dahat appears for respondent No.3-Julfisingh in this matter. The High Court Legal Services Sub-Committee to note accordingly.

8. List with connected matters for further consideration after vacations. Criminal Appeal No. 116 of 2015 filed by informant shall also be placed on that date for consideration.

JUDGE

JUDGE