

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

CRIMINAL APPLICATION NO. 1219 OF 2017

The State of Maharashtra

..... APPLICANT

V E R S U S

Pappu @ Avinash Dagdu Tingare

..... RESPONDENT

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Mrs. S.S. Raut, APP for Applicant.

Mr. P.P.More, Adv. for Respondent.

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CORAM : V.L.ACHLIYA, J.

DATE : 10th June , 2017

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ORDER :

1. The applicant has moved this application seeking condonation of 130 days delay in filing Appeal against the impugned judgment and order of the acquittal.

2. Heard the learned A.P.P for the applicant- State and counsel representing for the respondent.

3. In nut shell it is contention of the learned A.P.P appearing for State that delay was not deliberate but it was due to procedural formalities. He submits that, if delay is not condoned there is every likelihood that

meritorious matter may result into dismissal on account of technical reasons.

4. On the other hand learned counsel representing the respondent strongly opposed the application and submitted that there is absolutely no cause assigned to condone the delay. He submits that there is unexplained delay of 130 days in filing the appeal.

5. Having appreciated the submissions advanced, I am inclined to allow the application seeking condonation of delay for the reason that delay appears to be not deliberate but mainly due to compulsorily procedural requirement to seek approval to file appeal. However, it is necessary to observe that the office of the Public Prosecutor and office of Joint Secretary, Law and Judiciary Department, should take remedial measures to avoid such delay and it is noticed that in the instant case though appeal was drafted but same was presented within time. Accordingly, the delay is condoned. Application seeking leave to file appeal be registered and placed for hearing on 18.07.2017. Learned A.P.P is directed to place on record copies of the depositions.

6. Stand over to 18.07.2017

[V.L.ACHLIYA, J.]

YSK/Cr.Apln. 1219.2017