

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

CRIMINAL APPLICATION NO.1342 OF 2017

Champatrao s/o.Manikrao Jadhav
Age 65 Years, Occupation Agriculture
R/o. CIDCO New Nanded
Taluka & District Nanded. **APPLICANT**

VERSUS

1. The State of Maharashtra
2. Bhujang s/o.Kishan More. **RESPONDENTS**

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Mr.Y.M.Khan, Advocate for the applicant.
Mr.S.D.Ghayal, APP for Respondent – State

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**CORAM: S.S.SHINDE &
A.M.DHAVAL, JJ.**

Date: 16.08.2017

ORDER:

1] This Application is filed for
condonation of delay caused in filing the
application seeking leave to appeal, against
the judgment and order of acquittal, dated 9th
April, 2015, passed by Sessions Judge, Nanded
in Sessions Case No.06/2014.

2] There is inordinate delay of 640
days in filing the application seeking leave

to appeal. No sufficient cause is disclosed in the application explaining the delay in filing the application.

3] The Supreme Court in the case of *Basawaraj & another Vs. Special Land Acquisition Officer*¹ held that the delay cannot be condoned unless the sufficient cause is disclosed. The Supreme Court in the case of *Kumar & others Vs. Karnataka Industrial Co-operative Bank Ltd. and another*² while considering the delay in filing the Revision Application has taken a view that in absence of showing sufficient cause for condonation of delay, the delay cannot be condoned.

4] In that view of the matter, we are not inclined to entertain this application for condonation of delay. Hence the application stands rejected.

1 [2013] 14 SCC 81

2 [2013] 11 SCC 668

5] However, we make it clear that rejection of this application has no effect on pending Criminal Appeal i.e. Criminal Appeal No.685/2016 [The State of Maharashtra Vs. Bhujang Kisan More], which is already admitted and arising out the judgment and order of acquittal dated 9th April, 2015, passed by Sessions Judge, Nanded in Sessions Case No.06/2014.

6] Needless to observe that with leave of the Court the learned counsel appearing for the applicant can assist learned APP during the course of hearing of the Criminal Appeal No.685/2016.

[A.M.DHAVALÉ]
JUDGE

[S.S.SHINDE]
JUDGE