

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders		Court's or Judge's orders
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CRIMINAL APPLICATION NO.1365 OF 2017

BASHIR SHAH MEHABUB SHAH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr.Chincholkar G.N.
APP for Respondents/State: Smt.S.S. Raut.
Advocate for R.No.3,5,7 to 17: Mr.R.R. Sancheti
h/f Mr.R.R. Mantri.

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CORAM : V.L. ACHLIYA, J.
Dated: JUNE 23, 2017

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The applicant has moved this application seeking condonation of delay of 37 days caused in filing application seeking leave to file appeal against the judgment and order of acquittal recorded by the Sessions Judge, Jalgaon in appeal.

2. In nutshell, it is contention of the learned Counsel for the applicant that the delay is not deliberate but, caused for the reasons beyond the control of applicant. He submits that the applicant is poor person and even for filing appeal, he has approached the High Court

Legal Services Sub Committee, Aurangabad.

3. On the other hand, learned Counsel for respondents opposed the application and submitted that the delay has not been properly explained. There is no justification for condoning the delay of 37 days caused in filing application seeking leave to file appeal.

4. Having appreciated the submissions advanced in the light of rival pleadings, I am of the view that case is made out to condone the delay. The applicant has sufficiently explained the delay caused in filing appeal along with application seeking leave to file appeal. In case, delay is not condoned, there is every likelihood that meritorious matter may be thrown out for technical reason. I am, therefore, inclined to allow the application and condone the delay. Hence, following order is passed:

: ORDER :

I) Application is allowed. Delay is condoned. Application stands disposed of.

II) Application seeking leave to file appeal be registered and placed for hearing on 11th July, 2017.

III) In the meanwhile, call record & proceedings of the case.

IV) The learned Counsel for respondents waives notice of application seeking leave to file appeal.

(V.L. ACHLIYA, J)