

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2391 OF 2017
IN
CRIMINAL APPLICATION NO.9 OF 2017
WITH
CRIMINAL APPLICATION NO.9 OF 2017
(Bhivaji s/o Changuji Sirsat Vs. The State of
Maharashtra)

Mr. P.K. Ipper, Advocate holding for Mr. S.J.
Salunke, Advocate for the applicant
Mr. G.O. Wattamwar, A.P.P. for the respondent/State
None for respondent Nos.2 to 4

CORAM : SANGITRAO S. PATIL, J.

DATE : 23rd AUGUST, 2017

PER COURT :

Respondent Nos.2 to 4 are reported to have been served with the notices. None appears for respondent Nos.2 to 4.

2. Heard the learned counsel for the applicant and the learned A.P.P.

3. The applicant has prayed for condonation of delay of 17 days in filing an application seeking leave to file appeal against the judgment of acquittal.

4. The learned counsel for the applicant submits that the applicant was under an impression that the

State/prosecution would file an appeal against the judgment of acquittal. He approached the office of D.G.P., Beed many times, but could not get any information about the steps taken by the prosecution for filing an appeal. In this process, he could not file an application seeking leave to file appeal within time. The delay is not deliberate or intentional.

5. The reason given by the applicant for the delay is sufficient and satisfactory. The delay caused in filing an application seeking leave to file appeal is accordingly condoned. The Criminal Application is disposed of.

6. As regards Criminal Application No.9 of 2017, seeking leave to file an appeal, issue notice to the respondents, returnable on 13th September, 2017.

7. The learned A.P.P. waives service of notice on behalf of respondent No.1/State.

[SANGITRAO S. PATIL]
JUDGE