

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

CRIMINAL APPLICATION NO. 2402 OF 2017

IN

CRIMINAL APPLICATION NO.569/2017

SANTU S/O RAMCHANDRA MANOHAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr.Awasarmol Rahul O.

APP for Respondent/State: Mr.S.Y. Mahajan.

Advocate for Respondent Nos.2 to 9 : Mr.V.Y.
Bhide.

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CORAM : V.L. ACHLIYA, J.

Dated: JULY 27, 2017

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The applicant has moved this application seeking condonation of 75 days' delay caused in filing appeal along with application seeking leave to file appeal against the judgment and order dated 25.8.2016 passed by the learned Addl. Sessions Judge, Sangamner in Sessions Case No.36/2013 thereby acquitting the accused.

2. Heard learned Counsel for the applicant, APP for respondent No.1 - State and Counsel for respondent Nos.2 to

9 and perused the application.

3. In nutshell, it is contention of the applicant that the delay is not deliberate but, caused due to old age and ailment of the applicant.

4. On the other hand, learned Counsel for respondent Nos.2 to 9 opposed the application with contention that no sufficient cause has been assigned to condone the delay.

5. Having appreciated the submissions in the light of reasons assigned, I am of the view that delay has been sufficiently explained. Age of the applicant is more than 75 years and he is claimed to be suffering from high blood pressure and other ailments. Looking to the fact that if delay is not condoned, meritorious matter will be dismissed for technical reason, I am, therefore, inclined to entertain the application and pass following order:

: 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 7th August, 2017.

iii) Learned APP waives service of application for respondent No.1 – State and learned Counsel for respondents No.2 to 9 waives service on their behalf.

(V.L. ACHLIYA, J)