

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

CRIMINAL APPLICATION NO. 2705 OF 2017
IN
CRIMINAL APPLICATION NO. 2213 OF 2017

Pushpa Lalsing Pawar

.. Applicant

Versus

The State of Maharashtra
and anr.

.. Respondents

Mr A.G. Ambetkar, Advocate for applicant

Mr S.D. Ghayal, A.P.P. for respondent no.1

Mr P.G. Tambde, Advocate h/f Mr S.S. Jadhavar, Advocate for
respondent no.2

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

DATE : 31st August 2017

PER COURT

1. Heard learned Counsel appearing for applicant, learned A.P.P.
for the State and learned Counsel appearing for respondent no.2.

3. This application is for condonation of delay in caused in filing
the application seeking leave to file appeal from the judgment and
order in Sessions Case No.320 of 2014 dated 31.10.2015 passed by
the Sessions Judge, Ahmednagar.

3. It is submitted by the Counsel appearing for the applicant that
in view of the provisions of Section 372 of Cr.P.C., the Appeal No.511
of 2016 was filed by the applicant on 30th August 2016, however, in
view of the judgment of the Supreme Court in case of **Satyapal
Singh Vs. State of Madhya Pradesh, reported in 2015 (15) SCC
613**, the applicant was required to file application seeking leave to
appeal.

4. Learned Counsel appearing for the applicant submits that the delay in filing the application is neither intentional nor deliberate. Therefore, delay in filing the application may be condoned.

5. On the other hand, learned Counsel for respondent no.2 submits that delay has not been properly explained by the applicant, therefore, application seeking condonation of delay may be rejected.

6. Upon hearing Counsel appearing for the applicant and learned Counsel appearing for respondent no.2 and upon perusal of the contents of the application, it appears that the applicant was not aware for some time about pronouncement of impugned judgment and order. Since it was not communicated to him and, therefore, some delay was caused in filing the application seeking leave to appeal.

7. We are satisfied with the reasons disclosed in the application for condonation of delay. In that view of the matter delay in filing Criminal Application no.2213 of 2017 seeking to file leave to appeal from the judgment and order dated 31.10.2015 in Sessions Case No.320 of 2014, passed by the Sessions Judge, Ahmednagar stands condoned. Criminal Application stands disposed of.

(A.M. DHAVAL, J.)

(S.S. SHINDE, J.)