

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

916 CRIMINAL APPLICATION NO. 2732 OF 2017

SARLA VASANT CHAUHAN
VERSUS
VASANT PUNJU CHAUHAN AND ANR

...
Advocate for Applicant : Mr. Rane Girish S.
Mr. SP Tiwari, APP for Respondent-State.

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CORAM : P.R. BORA, J.
Dated: October 12, 2017

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PER COURT :-

1) Heard learned Counsel for applicant. Respondent No.1 though has been duly served, has not entered his appearance in the matter. Learned APP appears for Respondent No.2-State;

2) Delay of 580 days has occurred in filing the application seeking leave to file an appeal against the judgment and order dated 27th August, 2015 passed by the Court of JMFC, Amalner in RCC No. 13/2015.

3) Learned Counsel for the applicant submitted that against the judgment passed by the court of JMFC, the applicant has earlier preferred an appeal before the Sessions Court under a bonafide belief that the same was maintainable before the Sessions

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(2)

Court, however, the same came to be rejected on 10th April, 2017 and thereafter the applicant has immediately preferred the present application. The learned Sessions Judge has dismissed the appeal being not maintainable.

4) Having considered the fact that the applicant was agitating before a wrong forum under the bonafide belief, I am inclined to condone the delay, which has occurred in filing the application seeking leave to file an appeal. Hence, the following order, -

ORDER

- i) The delay caused in filing the application seeking leave to file an appeal is condoned;
- ii) The application seeking leave to file an appeal be registered in accordance with law;
- ii) The application for condonation of delay stands disposed of.

(P.R. BORA, J.)

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