

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1835 OF 2016

Meeta Khajanchi	...Petitioner
Versus	
State of Maharashtra and Anr.	...Respondents

Mr.Ashish S.Chavan for the Petitioner
Mr. S.V.Gavand, APP for the State.

CORAM: A.M. BADAR, J
DATED: 21st September, 2017

PC:-

1. What is impugned in the instant petitions is condonation of delay in presenting the Appeal by the learned Additional Sessions Judge, Greater Mumbai vide its order dated 28.1.2016.

2. Heard the learned Advocate appearing for the petitioner. He argued that the learned Additional Sessions Judge ought to have considered that the application for condonation of delay itself is not maintainable and therefore, ought to have condoned the delay. He argued that acquittal

of the petitioner cannot be challenged by filing an appeal in the Sessions Court.

3. It is well settled that unless and until the delay is condoned, the Court does not get jurisdiction to enter into merits of the matter. The order impugned is discretionary order. It is well settled that while condoning the delay, liberal approach is required to be taken by the Court. Valuable reference can be had from the ruling in the matter of Collector Land Acquisition, Anantnag and Anr .V. Mst.Katiji and Ors. reported in 1987 AIR 1353.

4. As the discretion in condoning the delay is exercised on sound principles, there is no merit in the Writ Petition. The Writ Petition is therefore dismissed.

(A.M. BADAR, J.)