

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.334 OF 2016

SMT.JULEKHA GULAB NADAF

)...APPLICANT

V/s.

SACHIN DASHRATH MAHAMUNI AND ORS.)...RESPONDENTS

Mr.Yakub Shaikh and Mr.Graham Francis i/b. Mr.V.S.Talkute,
Advocate for the Applicant.

Mr.V.R.Gaikwad, Advocate for Respondent Nos.1 to 4.

Ms.V.S.Mhaispurkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 3rd FEBRUARY 2017

P.C. :

1 This is an application for condonation of delay in filing an application for leave to appeal challenging the order of acquittal of accused recorded on 24th February 2016 by the learned Chief Judicial Magistrate, Satara, in Summary Criminal Case No.1840 of 2009. The learned advocates appearing for both parties sought adjournment. Request so made is rejected.

2 Heard the learned advocate appearing for the applicant / original complainant. He argued that because of lack of communication between the advocate and the complainant, there is some delay in lodging the application for leave to appeal. This contention is opposed by the learned advocate appearing for respondent nos.1 to 4 by submitting that, infact, daughter of the complainant is an advocate and she is prosecuting the complaint, and therefore, reason so stated is per se false.

3 Be that as it may, the delay occasioned is only of 12 days. By condoning the delay, the result is decision on merit. Hence, considering the quantum of delay as well as the fact that it is seen that there was lack of communication between the litigant and his advocate, delay is condoned.

4 The application is disposed of accordingly.

(A. M. BADAR, J.)