

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Cr. Application NO. 380 OF 2015

Suren Shrikant Devalekar

...Applicant

Versus

Kamalakar Krushnaji Shembekar And Ors

...Respondents

Mr.Vinod Sanglikar i/b. Mr.Umesh R.Mankapure, for the Applicant.

Mrs.M.R.Tidke, APP for the State.

CORAM : G.S. KULKARNI, J.

DATE : 4th January,2017.

ORDER:

1. Heard Mr.Sanglikar, learned Counsel for the Applicant and Mrs.M.R.Tidke, learned APP for the State-Respondent No.8. Office report indicates that Advocate Mr.Railkar has filed vakalatnama on behalf of Respondent Nos.1, 2 and 4 as also the notices issued to Respondent Nos.3, 5 and 6 are duly served. Also Respondent No.7 who is transferred to Mouje Red Grampanchayat, Taluka Shirala, Dist. Sangli was contacted on telephone and was informed of the Court notice.

3. By this application, the Applicant is seeking condonation of

delay of 3 years and 98 days in filing the application seeking leave to appeal. The reasons have been set out in paragraph 4 to the effect that after receiving a certified copy of the impugned order, the Applicant had wrongly filed an appeal before the learned Sessions Judge at Khed, District Ratnagiri and after the Applicant came to know that the appropriate forum to file an application, is this Court under Section 378(4) of the Code of Criminal Procedure, filed an application below Exhibit 1 praying for return of appeal. The learned Sessions Judge accordingly passed an order dated 30 May 2015 permitting the Applicant to present the appeal before the proper Court. The application thereafter came to be presented/filed in this Court on 30 June 2015.

4. In the above circumstances, it would be in the interest of justice that the delay be condoned. Accordingly, the application is allowed in terms of prayer clause (b). No costs.

5. List the criminal application for leave to appeal for admission on 18 January 2017.

(G.S.KULKARNI, J.)