

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.488 OF 2016

PRAMOD LIMBRAJ GAIKWAD)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ANR.)...RESPONDENTS

Smt.Pranali Kakade i/b. Mr.Subhash Hulyalkar, Advocate for the Applicant.

Mr.Ameet Palkar, APP for the Respondent – State.

Smt.Mitali Shinde, Advocate for Respondent No.2.

CORAM : A. M. BADAR, J.

DATE : 29th MARCH 2017.

P.C. :

1 This is an application for condonation of delay in filing application for leave to appeal, challenging the judgment and order acquitting respondent no.2 / accused for offences punishable under Sections 306, 323, 504 and 506 read with 34 of the IPC.

2 Heard the learned advocate appearing for the applicant / original informant. I have also heard the learned advocate appearing for respondent no.2 / original accused. She opposed the application by contending that the reason stated for seeking condonation of delay is not depicting sufficient cause. She further argued that quantum of delay is not mentioned in the application, and therefore, the application is required to be rejected.

3 I have also heard the learned APP appearing for the respondent no.1 / State.

4 I have carefully considered the submissions advanced by the learned advocate appearing for the parties. Mother of the applicant / original informant and wife of respondent no.2 / original accused committed suicide and resultantly, respondent no.2 / original accused came to be tried for offences as indicated in opening paragraph of this order. Ultimately, he came to be

acquitted of alleged offences, and therefore, the first informant is desirous of challenging that acquittal by filing application for leave to appeal. Reason for seeking condonation of delay in preferring the application for leave are to the effect that the first informant was under an impression that the State is going to challenge the acquittal of respondent no.2 / original accused and that as the applicant / informant is in employment, he was unable to follow up the dates of hearing before the trial court on account of his busy schedule, and therefore, could not keep track of the matter.

5 It is well settled that the words “sufficient cause” deserve liberal construction in order to advance remedy. Averments in the application are on affidavit and they are not countered by affidavit. For reasons stated in the application, I hold that the applicant / informant had sufficient cause in not filing the application for leave to appeal within time. Hence the order :

- i) The application is allowed.
- ii) Delay in lodging the application for leave to appeal is condoned.

(A. M. BADAR, J.)