

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1243 OF 2016

Sharda Keshowdas Bhalla ... Applicant

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr.Vijay Hiremath for the Applicant.
Mrs. Rutuja Ambekar APP for the Respondent/State.
Mr. Sahil Mahajan for Respondent No.2.

CORAM : A.S.GADKARI, J.
DATE : 15th SEPTEMBER, 2017

P.C.:

. This is an application under Section 482 of Cr.P.C. challenging the order dated 11.07.2016 passed by the learned Additional Sessions Judge, Greater Mumbai thereby rejecting application of Applicant for restoration of Criminal Misc. Application No. 1506 of 2015, which was dismissed for non prosecution on 30.04.2016.

2 It is submitted that the said Misc. Application No. 1506 of 2015 was filed
by the Applicant for condonation of delay of 7 days in preferring an Appeal under
Section 29 of the Protection of Women from Domestic Violence Act, 2005 against
the impugned order passed by the learned Metropolitan Magistrate, 51th Court,
Kurla Mumbai.

3 For the reasons stated in the application and in the interest of justice, the orders dated 11.07.2016 and 30.04.2016 passed by the learned Additional Sessions Judge, Greater Mumbai are hereby quashed and set aside. The delay of 7 days in preferring an Appeal against the order of the concerned Magistrate is hereby condoned and Criminal Miscellaneous Application No. 1506 of 2015 is allowed in its entirety.

4 The Additional Sessions Judge, Greater Mumbai is hereby directed to hear the Appeal of the Applicant on its own merits after giving an opportunity to all the concerned.

(A.S.GADKARI, J.)