

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 689 OF 2015**

(for condonation of delay in filing criminal application for leave to file appeal)

The State of Maharashtra
Versus
Anil Berma Kamble

..Applicant
..Respondent

Ms. S. D. Shinde, APP for the State.

**CORAM : RANJIT MORE,
DR. SHALINI PHANSALKAR-
JOSHI, JJ.**

DATE : 7th FEBRUARY, 2017.

P. C. :

The application is filed for condoning the delay of 26 days occurred in filing an application for leave to file appeal. By an order dated 4th December, 2015, we issued notice to the respondent returnable on 21st January, 2016. An affidavit of service is filed by one Nitin Shantaram Rathod, Assistant Police Inspector, Vashi Police Station, Navi Mumbai. Despite that, none appears on behalf of the respondent. Therefore, the averments made in the application are deemed to have been accepted by the respondents. Otherwise also, we have gone through the said averments made in paragraphs 2, 3 and 4. In our opinion, they are sufficient to condone the delay of 26 days. The

criminal application is, accordingly, allowed in terms of prayer clause (2) and is disposed of as such.

2. The Registry is directed to number the criminal application for leave to appeal and place it on board on 21st February, 2017.

(DR. SHALINI PHANSALKAR-JOSHI)

[RANJIT MORE, J.]