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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR**

CRIMINAL APPLICATION NO.222 OF 2016

Rajeev s/o Kamalkishor Biyani,
Aged Adult, Occ: Business,
R/o. Gaurakshan Road, Akola,
Tal. & Dist. Akola. ..APPLICANT

VERSUS

Jaganmal Pamandas Chadwani,
Aged Adult, Occ: Business,
R/o. Washim Motor Stand, Akola,
Tq. & Dist. Akola. ..RESPONDENT

Mr N.R. Tekade, Advocate for applicant;
Mr A.G. Lohiya, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 16th MARCH, 2017

ORAL ORDER :

The application for condonation of delay is strenuously opposed by learned Counsel for the respondent – original accused on the ground that there is no supporting documentary evidence justifying cause for condonation of delay stated in the application.

2. There is delay of 172 days caused in preferring the appeal. In my opinion, in the

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interest of justice and for the reasons stated in the application, delay is required to be condoned, subject to costs of Rs.2000/- (Rs. Two thousand only) to be deposited in this Court, within a period of two weeks from today.

3. The respondent is entitled to recover the aforesaid costs.

4. Criminal Application stands disposed of.

5. Appeal '**Admit**'.

6. Learned Counsel waives service of notice for the respondent.

7. Action under Section 390 of the Code of Criminal Procedure to follow.

8. Paper book be filed within a period of eight weeks from today. If paper book is not filed within stipulated period, appeal shall stand dismissed without further reference to the Court.

(N.W. SAMBRE, J.)