

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

CRIMINAL APPLICATION (APPR) NO.82 OF 2017

Dr. Omprakash s/o Brijmohan Chitarkha

..vs..

State of Maharashtra, through Dr. Satish Jaiswal, Authorized Officer appointed
by Civil Surgeon under PCPNDT Act.

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Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri N.R. Tekade, Counsel for the applicant.

Shri J.Y. Gurdey, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 7, 2017.

Heard learned counsel Shri N.R. Tekade for the
applicant.

The present application for condonation of delay is
required to be filed by the present applicant since there is a
delay of 66 days in filing the criminal revision application.

In the criminal revision application, challenge is to
order passed by learned Sessions Judge at Gondia dated
23.11.2016 whereby learned Sessions Judge at Gondia condoned
the delay in filing the appeal on behalf of the State.

Learned Sessions Judge has not decided the issue
on merits. Learned Sessions Judge has only condoned the delay.

Submission of learned counsel Shri N.R. Tekade

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for the applicant, in the present criminal revision application, is kept open in respect of maintainability of the appeal before learned Sessions Judge.

Learned counsel Shri N.R. Tekade for the applicant submits that he wishes to withdraw the present criminal application along with the criminal revision application.

Permission granted.

The present criminal application and the criminal revision application are disposed of as withdrawn keeping the contention of learned counsel Shri N.R. Tekade for the applicant open in respect of the maintainability of the appeal filed by the State before the Sessions Court.

Learned Sessions Judge is expected to decide the said issue on its own merits.

With this, the criminal application and the criminal revision application are disposed of as withdrawn.

JUDGE

!! BRW !!

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