

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

CRIMINAL APPLICATION (APPA) NO.550 OF 2017

(Mahalaxmi Gramin Bigar Sheti Nagri Sahakari Pat Sanstha Ltd. vs. Rajesh s/o Ganpatrao Kaljharkar)

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

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Ms. S. Dhote, Advocate h/f Shri R.R. Vyas, Advocate for  
applicant.

Shri P.S. Verma, Advocate for respondent.

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CORAM : P.N. DESHMUKH, J.

DATED : DECEMBER 21, 2017

Heard learned Counsel for the parties.

This application is filed for condonation of 98 days' delay caused in preferring appeal against judgment dated 7/2/2017 in Criminal Appeal No.139/2010 contending that though appeal came to be decided on 7/2/2017, decision was not communicated by Counsel appearing for applicant before first appellate Court, Chandrapur. It is submitted that it is only in the last week of May 2017 when applicant contacted its Counsel, it was disclosed that appeal was allowed and non applicant was acquitted and thereafter steps were taken for obtaining certified copy of judgment and for filing present appeal against acquittal of non-applicant. It is thus submitted that application be allowed.

Shri Verma, learned Counsel for non-applicant, has opposed the application contending that applicant and its Counsel were very much present at the

time of final disposal of appeal by learned Sessions Court, Chandrapur and as such, there is no substance in the submission of applicant about non communication of decision of appeal.

In support of above submissions of learned Counsel for non-applicant, there is nothing on record to establish that on the date of decision in appeal, applicant was present along with its Counsel or otherwise. In that view of the matter, delay caused in filing appeal is found satisfactorily explained and, therefore, application is liable to be allowed by imposing suitable costs to be payable to non-applicant as per order below :

Criminal application is allowed subject to applicant paying costs of rupees three thousand to non-applicant within one month.

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Issue notice to respondent.

Shri Verma, learned Counsel waives notice for respondent.

By consent of learned Counsel for parties, stand over to 4/1/2018.

JUDGE

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