

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

CRIMINAL APPLICATION (APPA) NO.717 OF 2016

IN

CRIMINAL APPEAL NO. _____ OF 2016

(Kailas Radhakrushna Dhawale Vs. Devidas Janu Chavan and another)

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

Court's or Judge's orders.

Shri P.B. Patil, Advocate for Applicant.
Shri Nikhil Tekade, Advocate for Respondent 1.
Shri H.R. Dhumale, APP for Respondent 2/State.

CORAM: ROHIT B. DEO, J.

DATE: 29th SEPTEMBER, 2017.

The applicant was pursuing his remedy before the wrong forum. The applicant filed Appeal 2/2013 before the Sessions Judge, Buldhana which was dismissed as not maintainable on 30.07.2016.

I do not see any *mala fides*. The applicant is entitled to the benefit of section 14 of the Limitation Act or principles analogues thereto. The law, on the aspect of the proper forum for filing an appeal by complainant/victim against acquittal was quite blurred at the relevant time.

The application for condonation of delay is allowed.

CRIMINAL APPEAL NO. _____ OF 2016:

List the appeal on 06.10.2017.

JUDGE