

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.578 OF 2017

THE STATE OF MAHARASHTRA)...APPLICANT

V/s.

LAXMAN BAPU MANE AND ANOTHER)...RESPONDENTS

Mr.S.V.Gavand, APP for the Applicant – State.

Mr.V.S.Talkute, Advocate for the Respondents.

CORAM : A. M. BADAR, J.

DATE : 27th SEPTEMBER 2018

P.C. :

1 This is an application for condonation of delay in preferring an application for leave to appeal whereby the respondent/accused came to be acquitted of the offence punishable under Section 376 of the Indian Penal Code and other allied offences by the learned trial court. The delay in filing the appeal is of about 193 days.

2 The learned counsel appearing for the respondent/accused submits that though the respondent/accused has opposed the instant application by filing reply on affidavit, he has no objection if the delay is condoned.

3 The learned APP submitted that infact the State was complying the judgment and order of the learned Division Bench of this court passed in Criminal Application No.508 of 2012 on 26th April 2012 whereby directions were given for scrutiny of proposals for filing an application for leave to appeal at various levels and in complying this judgment of the learned Division Bench, there is some delay in preferring an application for leave to appeal.

4 Considering the nature of the Charge, no objection on the part of the respondent/accused in condoning the delay as well as the ratio of the judgment of the Honourable Apex Court in the matter of **Collector Land Acquisition, Anant Nag & Another vs. Mst.Katiji & Ors.**¹, I am of the view that the delay in preferring

1 1987 AIR 1353

the application for leave to appeal is sufficiently explained by the State and the same deserves to be condoned. Therefore, the order:

ORDER

- i) The delay in filing the application for leave to appeal is condoned.
- ii) The application is accordingly disposed of.

(A. M. BADAR, J.)