

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.60 OF 2018

KRUSHNA SHANTARAM KALBHOR)...APPLICANT

V/s.

NOORJAMAL NABILAL MAGDUM AND ORS.)...RESPONDENTS

Mr.Ashish Agarkar, Advocate for the Applicant.

Mr.D.D.Shinde, Advocate for the Respondent Nos.1 and 2.

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

CORAM : A. M. BADAR, J.

DATE : 1st NOVEMBER 2018

P.C. :

1 This is an application for condonation of delay in preferring an application for leave to appeal seeking to challenge acquittal of respondents of the offence punishable under Section 420 read with 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the applicant/original complainant. He argued that after acquittal, the respondents after getting knowledge of moving an application for leave to appeal, had promised and assured to refund the amount and the applicant/original complainant succumbed to the allurements of the respondents. It is further argued that the applicant/original complainant was not having necessary funds for approaching this court, and therefore, the delay has occasioned.

3 The learned counsel appearing for the respondents argued that the applicant/original complainant is bereft of details, and as such, it cannot be said that the applicant/original complainant was prevented by sufficient cause for not preferring the application within limitation.

4 I have considered the submissions so advanced. The application for condonation of delay is on affirmation and averments therein are not countered by filing counter affidavit. Duly sworn testimony of the applicant/original complainant shows

that the respondents had given assurance and promise of refund of the amount. It is also averred that arrangement of funds was to be made. These grounds constitute sufficient cause, and therefore, the order :

ORDER

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

(A. M. BADAR, J.)