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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 140 OF 2017

Dayanand Vedic Vidyalaya & Ors.

..Applicants

Vs

The State of Maharashtra & Ors.

..Respondents

Mr. Sameer Mangaonkar for applicants.

Mr. A.R. Kapadnis, APP for State.

Mr. Omprakash Singh for Respondent Nos.2,4,6 and 7.

CORAM : A.S.GADKARI, J.

DATE : 2nd MAY 2018.

P.C.:

1] This is an application for condonaion of delay of 2 years and 61 days in filing application for leave to file appeal.

2] Heard learned the learned Counsel for the applicants and the learned Counsel for the respondent Nos.2,4,6 and 7. Perused the record.

The learned Counsel for the respondent Nos.2,4,6 and 7 vehemently opposed the application and submitted that the applicant was not diligent enough in prosecuting the complaint and there is a delay of more than two years in preferring the application for leave to file appeal which is not properly explained by the applicants and therefore the

application may be dismissed in limine. He further submitted that, if this Court inclined to condone the delay, then applicants may be saddled with exemplary cost.

3] For the reasons stated in the application and in the interest of justice, the delay is condoned and the application is allowed in terms of prayer clause (A) subject condition of payment of cost of Rs.1,00,000/- (One Lakh Only) to be paid to the High Court Legal Aid Committee within a period of four weeks from today

It is made clear that, the payment of cost of Rs.1,00,000/- (One Lakh Only) to the High Court Legal Aid Committee is condition precedent for condonation of delay.

4] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)