

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

**CRIMINAL APPLICATION NO.246 OF 2017
IN
CRIMINAL APPLICATION NO.343 OF 2011**

Union of India
(Through the Dy. Commissioner of
Customs, Prosecution Ceil/R & I, Mumbai) **... Applicant**

V/s.

Shri. Harbana @ Harjeev Singh Gaba & Anr. **... Respondents**

Smt. A.A. Mane for the Applicant.
Smt. A.M. Z. Ansari for Respondent Nos.3 and 5.
Mr. A.R. Kapadnis, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 22nd MARCH 2018

PC.:

1. This is an application for condonation of delay of more than five years and nine months in filing the application for restoration of Criminal Application No.343 of 2011.
2. Heard the learned counsel for the applicant and the learned counsel appearing for Respondent Nos.3 and 5. Perused the record.
3. A minute perusal of the application indicates that, except

blaming other persons, the affiant of the applicant has not given any detailed explanation for causing such an inordinate delay in filing application for restoration of Criminal Application No.343 of 2011, which was dismissed for non-prosecution on 16.06.2011. The conduct of the Officers of the applicant makes it clear that, they are not sincere in prosecuting the main application and even filing the application for condonation of delay.

4. No case at all is made out to condone the inordinate delay at the behest of the applicant.
5. Application is accordingly rejected.

(A.S.GADKARI, J.)