

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

**CRIMINAL APPLICATION NO.282 OF 2016
WITH
CRIMINAL APPLICATION NO.283 OF 2016
WITH
CRIMINAL APPLICATION NO.284 OF 2016
WITH
CRIMINAL APPLICATION NO.285 OF 2016**

Vijay V. Angne ...Applicant

Versus

Dr.Vijay N. Deshpande & Ors. ...Respondents

Mr.Mangal Bhandari t/b Mr.Mangesh Deshmukh for the Applicant.

Ms.S.D. Shinde, APP for the Respondent-State.

Ms.K.H. Rajani i/b Mr.Jaideep Thakkar for Respondent Nos.1 and 2.

CORAM : SMT.BHARATI H. DANGRE, J.

DATE : 03rd SEPTEMBER 2018

P.C.

1. The applications have been taken out seeking condonation of delay in challenging the order of acquittal passed by the learned Judicial Magistrate First Class, 11th Court, Thane by a judgment dated 25.09.2014. The perusal of the application would reveal that apart from citing the reason of medical in capacity of the father on account of his ill health as cited in paragraph No.10 and 11, the applicant has also stated that the authorised Advocate did not handover the evidence in all the matters and there was some delay in receiving the certified copies.

2. I have perused the said application which is vehemently opposed by the learned counsel for respondent. She would submit that the reasons cited on record do not justify condoning the delay and it merely reflects a callous attitude on the part of the applicant in not prosecuting the remedy when the judgment of acquittal have been passed long back on 25.09.2014. She would submit that there is delay of 185 days which have not been sufficiently explained.

3. Taking into consideration the fact that the applicant is involved in multiple cases and before this Court there are four such applications which have been filed, and the reason cited in application he did not avail the necessary papers from the counsel's it consumed some time for approaching and seeking legal advice and approaching the Court thereafter, appears to be a plausible and *bona fide* explanation. In my view the delay is liable to be condoned in the interest of justice. However, the delay is condoned subject to payment of Rs.5,000/- each of the aforesaid application. The said cost be paid to the respondent within a period of two weeks and the receipt thereof be produced in the Registry of this Court. On deposit of such a receipt the matter be listed for admission after two weeks.

Nilam
Santosh
Kamble

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Kamble
Date: 2018.09.05
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(SMT.BHARATI H. DANGRE, J.)