

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

**CRIMINAL APPLICATION NO. 534 OF 2017
IN
CRIMINAL APPLICATION NO. 4056 OF 2005**

WITH

**CRIMINAL APPLICATION NO. 533 OF 2017
IN
CRIMINAL APPLICATION NO. 4056 OF 2005**

Union of India

....Applicant.

Vs.

Anil Kumar Krishnachand Mehrotra & Anr.

....Respondents.

Smt. A.A. Mane, Special P.P. for the Applicant.
Mr. V.V. Gangurde, APP for the Respondent-State.

**CORAM : A. S. GADKARI, J.
DATE : 24th APRIL, 2018.**

P.C.:-

These are the Applications for condonation of delay and for restoration of Criminal Application No. 4056 of 2005.

2 Heard the learned Special P.P. appearing for the Union of India and the learned APP for the Respondent-State.

3 By a self operative Order dated 19th December, 2005 the

Applicant was directed to serve the unserved Respondents and to file affidavit of service on or before 3rd February 2006, failing which the Application to stand dismissed for non-prosecution, without further reference to the Court.

As the Applicant did not serve the Respondents and failed to file affidavit of service on or before 3rd February 2006, the aforesaid Application stood dismissed, for want of prosecution. The present Applications for condonation of delay and for restoration of Application are filed on 2nd June, 2017 i.e. after a delay of about 11 years.

4 Though, there is a delay of about 11 years, in the prayer clause of Application No. 534 of 2017, the Applicant has made a patently false statement that, there is a delay of 1 year and 147 days, instead of making a true and correct disclosure of the fact that there is a delay of about 11 years. The concerned affiant has solemnly affirmed the affidavit before the Competent Authority. Making of a false statement by the Government Officer, cannot be countenanced and has to be dealt with sternly.

5 May that, as it may. The Applicant has failed to explain the inordinate and colossal delay and to give sufficient cause at its

behest. No ground for condonation of such an inordinate delay is made out.

6 Applications are accordingly dismissed *in limine*.

(A.S. GADKARI, J.)