

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.722 OF 2018

IN

CRIMINAL APPEAL NO.734 OF 2016

RAMBHAI DALUBHAI PATEL)...APPLICANT

V/s.

VILAS DIGAMBER THORAT AND ANR.)...RESPONDENTS

Mr.Amey Deshpande, Advocate for the Applicant.

Mrs.M.R.Tidke, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 3rd OCTOBER 2018

P.C. :

1 This is an application for condoning the delay in preferring an application for leave to appeal. Heard the learned counsel appearing for the applicant/original complainant as well as the learned APP appearing for the respondent no.2/State.

2 There is no need to issue notice to respondent no.1 herein because the application for condonation of delay in preferring the application for leave to appeal came to be rejected for want of prosecution even in absence of notice to respondent no.1.

3 For the reasons stated in the instant application, the same is allowed by condoning the delay of 54 days in preferring the application for leave to appeal. The order dated 23rd March 2018 is recalled and Criminal Application bearing No.734 of 2016 is restored to file.

4 The instant application is disposed off accordingly.

(A. M. BADAR, J.)

**Arti Vilas
Khatate** Digitally signed by
Arti Vilas Khatate
Date: 2018.10.04
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