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

CRIMINAL APPLICATION NO. 404 OF 2016

Torrent Power Ltd (Bhiwandi)

..Applicant

Vs

Shrish Mahadeo Kondlekar & Anr

..Respondents

Ms. Shubdha Khot for applicant.

Advocate Anusha Amin i/b Chintan Shah for respondent No.1.

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

CORAM : A.S.GADKARI, J.

DATE : 5th MARCH 2018.

P.C.:

1] This is an application for condonation of delay of 2 years and 154 days in preferring the application for leave to file appeal against the Judgment and Order dated 30th October 2013 passed by the learned District Judge-5 and Additional Sessions Judge, Thane in Special Case No.67 of 2009, thereby acquitting the respondent No.1 for offences under Sections 135, 138(c) of the Indian Electricity Act.

2] The respondent No.1 has a filed a detailed affidavit opposing the condonation of delay. The learned Counsel for the respondent No.1 vehemently opposed the application and submitted that no ground for

condonation of delay is made out by the applicant. She submitted that the applicant was lethargic in preferring the present application for more than two years and it is only when the application for return of property of the respondent No.1 was allowed by the Trial Court by its Order dated 19.3.2016, the present application is filed in July 2016 and therefore the present application for condonation of delay may be dismissed in limine.

3] However, the reasons stated in the application and in the interest of justice, I am inclined to condone the delay subject to condition that the applicant shall pay a cost of Rs.25,000/- to the High Court Legal Aid Committee.

4] In view thereof, application is allowed in terms of prayer clause (a), subject to condition that the applicant shall pay a cost of Rs.25,000/-to the High Court Legal Aid Committee. The payment of cost is condition precedent for condonation of delay.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)