

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.342 OF 2014

Ram Awatar Singh Gulab Singh Thakur ... **Applicant**
V/s.
Ashwini Nanji Sidhpura & Ors. ... **Respondents**

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Mrs.Pooja Sejpai with Ms.Akshata B. Desai i/b. Mr.Nitin Sejpai,
Advocate for the Applicant.

Mr.Santosh H. Chari, Advocate for Respondent Nos.1 to 4.

Mr.P.H.Gaikwad-Patil, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 30th OCTOBER 2018.

P.C. :

1 This is an application for condonation of delay of 109 days in preferring an application for leave to appeal for challenging the Judgment and Order of acquittal of the respondents for the offence punishable under Section 406 read with Section 34 of the Indian Penal Code.

2 Heard the learned Counsel appearing for the applicant as well as the learned Counsel appearing for the respondent Nos.1

to 4. The learned Counsel appearing for respondents has submitted that there is no plausible explanation for the delay in lodging the application for leave to appeal and, therefore, the application deserves to be rejected.

3 The application for condonation of delay of 109 days is on affirmation and there is no counter to the avements made in the application for condonation of delay. The reasons stated are death of father of the learned Advocate, who was engaged by the applicant so also lack of funds for preferring the application for leave to appeal.

4 Considering the submissions made in the application, I am of the considered opinion that the applicant was prevented by sufficient cause for not preferring the application for leave to appeal within limitation. Therefore, the Order :

ORDER

- (i) The application is allowed.
- (ii) The delay in filing the application for leave to appeal is condoned.
- (iii) The application is disposed of accordingly.

(A.M.BADAR J.)