

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.444 OF 2016

MALAN KIRAN MORE

)...APPLICANT

V/s.

VILSON MOTI SWAMI AND ORS.

)...RESPONDENTS

Mr.Rajesh More, Advocate for the Applicant.

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

None for Respondent Nos.1 and 2.

CORAM : A. M. BADAR, J.

DATE : 24th OCTOBER 2018

P.C. :

1 The learned counsel appearing for the applicant drew my attention to the averments made in the application showing that the delay is that of 45 days. With this, the learned counsel submits that there is no need to effect amendment of pleadings despite order dated 6th September 2018 passed by this court. It is

seen that at the time of filing of the application itself, the applicant has stated that there is delay of 45 days in filing the application for leave to appeal. Therefore, there is no need to amend the application.

2 Heard the learned counsel appearing for the applicant. None appeared for respondent nos.1 and 2. Perused the reply of respondent nos.1 and 2.

3 In view of averments made in paragraphs 9 and 10 of the application, I am of the considered opinion that the applicant has made out sufficient cause for not preferring the application for leave to appeal in time. Therefore, the order :

ORDER

- i) The delay in filing the application for leave to appeal is condoned.
- ii) The application is disposed off accordingly.

(A. M. BADAR, J.)