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

CRIMINAL APPLICATION NO. 600 OF 2016

Dnyanganga Sahakari Patasanstha

..Applicant

Vs

Brahmdev Rammurat Dube & Anr

..Respondents

Mr. Pradeep Gole for applicant.

Mr. Prakash Agrawal for respondent No.1.

Mr. V.V. Gangurde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 2nd MAY 2018.

P.C.:

1] This is an application for condonaion of delay of 1 year and 223 days in filing application for leave to file appeal.

2] Heard the learned Counsel for the applicant and the learned Counsel for the respondent No.1. Perused the record.

The learned Counsel for the respondent No.1 vehemently opposed the application and submitted that no sufficient cause for condonation of delay is made out by the applicant. He submitted that the applicant ought to have explained day-to-day delay in filing the present application. He therefore prayed that, the present application may be dismissed.

3] The Honourable Supreme Court in the case of The Collector of Land Acquisition Vs. Mst. Katiji & Ors. [AIR 1987 S.C. 1353] has held that, a pedantic approach should not be made while considering the delay and doctrine of explanation of delay must be applied for a rational common sense pragmatic manner. In the present case, the applicant is a Co-Operative Credit Society and is dealing with public funds. The delay which has caused in filing the represent application is occurred in processing the proposal at various stages by the concerned Office bearers of the said Credit Society.

4] In view of the above and for the reasons stated in the application and in the interest of justice, I am inclined to condone the delay subject condition that the applicant shall pay the cost of Rs.20,000/-(Twenty Thousand Only) to the High Court Legal Aid Committee within a period of four weeks from today.

In view of the above, the delay is condoned and the application is allowed in terms of prayer clause (a).

It is made clear that, the payment of cost of Rs.20,000/- (Twenty Thousand Only) to the High Court Legal Aid Committee is condition precedent for condonation of delay.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)