

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.607 OF 2016

Baba Sarjerao Kamble

...Applicant

V/s.

Rajkumar Virbhadrappa Shete & Anr.

...Respondents

.....

Mr. Sachin S. Punde, Advocate for the Applicant.

Mr. P.B. Birajdar a/w. Mr. Sachin D. Bagal for respondent No.1.

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

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CORAM : A.M.BADAR, J.

DATED : 9th OCTOBER 2018.

P.C. :

1. This is an application for condonation of delay in preferring an application for leave to appeal challenging acquittal of the respondent No.1 for the offence punishable under Section 3(1(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'Atrocities Act')

for the sake of brevity) as well as under Sections 323, 504 and 506(1) of the Indian Penal Code. The applicant reported that the delay is of 133 days.

2. Heard the learned counsel appearing for the applicant/accused. He argued that a daughter of the applicant was suffering from illness and the applicant was in mental shock because of subsequent death of his daughter. As such, he could not prefer the appeal within limitation.

3. The learned counsel appearing for respondent No.1 opposed this application by contending that the applicant was regularly attending the Regular Civil Suit bearing No.443/2014 between the parties and as such false reason is given for seeking condonation of delay. The learned counsel for respondent No.1 has pointed out the order-sheet maintained by the Civil Court.

4. I have considered the rival submissions and also perused the application as well as the reply. It is not in dispute that because of illness, daughter of the applicant died. The application for condonation of delay needs to be considered liberally as by condoning the delay, the only result is decision of the matter on

merit.

5. In this view of the matter, the following order.

- : ORDER : -

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

(A.M.BADAR J.)