

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.699 OF 2016

Banudas Eknath More ... **Applicant**

V/s.

Keshav Dattatraya Aher & ors. ... **Respondents**

Mr.Kedar Purav i/b. Pritesh K. Bohade for the applicant.

Mr.Swapnil V. Walve for respondents no.1 to 3.

Mr.S.V. Gavand, APP for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 16th AUGUST 2018.

P.C. :

1. This is an application for condonation of delay in preferring an application for leave to appeal challenging the acquittal of respondents herein. The application is moved by the original complainant.

2. Heard the learned Advocate appearing for the applicant as well as the learned Advocate appearing for respondents no.1 to 3 and the learned Additional Public Prosecutor for respondent no.4 / State.

3. The delay occasioned in preferring an application for leave to appeal challenging the acquittal is that of 33 days. The reasons stated for seeking condonation are to the effect that the applicant was suffering from penury and he was not acquainted with the Court procedure and therefore he could not file appeal within limitation. The learned Advocate appearing for respondents no.1 to 3 vehemently opposed the application by submitting that the applicant is a doctor as such he cannot be heard to say that he is suffering from penury and he is not aware of the Court procedure.

4. What is sought to be challenged is acquittal of the respondents. The applicant is the first informant / original complainant. The result which may have happened by condoning the delay is a decision of the matter on merit. Hence, the following order;

:: ORDER ::

- (i) Delay of 33 days in preferring the appeal is condoned.
- (ii) The application is disposed of accordingly.

Vina
Arvind
Khadpe

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(A.M.BADAR J.)