

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO.167/2018

The State of Maharashtra through Police Station Officer, P.S. Bhandara .vs.
Jogeshwar s/o Antu Walde and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. Joshi, A.P.P. for applicant.

Mr. A. Bashir, Advocate for non applicants.

CORAM : V.M. DESHPANDE, J.

DATED : NOVEMBER 28, 2018

This is an application for condonation of delay in preferring the appeal. The application is moved by the State. There is a delay of 167 days in preferring the appeal.

The learned Magistrate in Regular Criminal Case No.228/2009 on 22.01.2015 convicted the non applicants for the offence punishable under Section 406 read with Section 34 of the Indian Penal Code.

The non applicants preferred appeal before the appellate Court and the said was registered as Criminal Appeal No.18/2015 and the learned lower appellate Court on 06.01.2017 allowed the appeal and upset the conviction.

The application for condonation of delay is strongly opposed by Mr. Abdul Bashir, learned counsel for the non applicants. Learned A.P.P. invited my attention to paragraph no.3 wherein, the State has given chronology of events for condonation of delay.

After hearing both the learned counsel and after having perused the application as well as reply, I am of the view that the State has pointed out sufficient reason for condoning the delay. Hence, the application is allowed. Delay of 167 days is condoned. Office is directed to register application to file appeal.

Place the application for admission on 12.12.2018.

The application is disposed of.

JUDGE

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