

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

**CRIMINAL APPLICATION (APPR) 186 OF 2017**

(Maharashtra State Cooperative Marketing Federation..vs.. Kuhi Taluka Shetki  
Sahakari Kharedi Vikri Sanstha, Kuhi & ors.)

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

*Court's or Judge's orders.*

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Shri P.D. Meghe, counsel for the applicant.  
Shri K.B. Ambilwade, counsel for non-applicant 3.

**CORAM: ROHIT B. DEO, J.**

**DATE: 21<sup>st</sup> June, 2018.**

Heard.

2           This is an application seeking condonation of delay in filing Criminal Revision Application.

3           The delay is of 314 days. Although, the learned counsel for the non-applicants – who are original accused is vehemently opposing the prayer for condonation of delay, in view of the justification given and particularly in view of the fact that the applicant is a cooperative society, the share holding of which is entirely contributed by the State Government, I am inclined to allow the application.

4           The applicant has justified the delay by filing an additional affidavit dated 2.4.2018. One of the causes for the delay is explained in paragraph 4. The said cause is attributed to the fact that the concerned record was not traceable in the office of Advocate Shri Gabhane. The delay thereafter occurred since the entire record was forwarded to the head office of the applicant for approval to file appeal.

On perusal of the contents of paragraph 4 and 5 of the affidavit, I find that the delay is not due to culpable negligence.

5           However, the non-applicants shall have to be compensated. The delay is condoned subject to payment of cost of Rs. 5,000/- to the non-applicants.

CRIMINAL REVISION APPLICATION           OF 2018

Heard.

2           Issue notice to non-applicants.

3           Shri K.B. Ambilwade, waives service for non applicant 3.

4           List on 28.6.2018.

**JUDGE**

*RSB*