

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

Criminal Application (APPR) No.310 of 2017
(Shalik Damduji Dhoble .vs. The State of Maharashtra through PSO PS Sindi
(Rly), Seloo, Dist. Wardha and ors)

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

Court's or Judge's orders.

Mr. M.R. Johrapurkar, Advocate for Applicant
Mr. S.S. Doifode, APP for Non-applicant No.1.
Mr. N.S. Bhattad, Advocate for Non-applicant Nos. 2 to 5.

CORAM : NITIN W. SAMBRE, J.
DATED : AUGUST 28, 2018.

Heard respective counsel.

2. There is a delay of 57 days in preferring the present criminal revision against acquittal.

3. Mr. Johrapurkar, learned counsel for the applicant would rely upon the grounds raised in the revision application whereas the learned counsel Shri Bhattad appearing for non-applicant Nos. 2 to 5 would strenuously oppose the application for condonation of delay on the ground that the applicant has not moved with bona fide intention. According to him application for condonation of delay along with revision application is required to be rejected as no sufficient ground in support of contention is properly explained in the application.

4. In my opinion, reasons cited in the application for condonation of delay are bona fide as the delay of 57 days in preferring the revision application is properly explained. As such, the submission of Mr. Bhattad is rejected. The application stands allowed in terms of

prayer clause (1) subject to payment of costs of Rs.1500/- to be deposited with the High Court Bar Library, Nagpur.

Criminal Revision No. ____/2018.

Revision is taken out for admission.

Heard.

The appellate Court acquitted the accused persons by disbelieving the testimony of eyewitnesses on the ground that they are interested witnesses. The said finding appears to be contrary in view of the decision of the Apex Court in the matter of **Ganapathi .vs. State of T.N.** reported in **(2018) 5 Supreme Court Cases 549**. Hence **Admit**.

Action under Section 390 Cr.P.C. to follow.

Mr. S.S. Doifode, learned APP waives service for non-applicant no.1 and Mr. N.S. Bhattad, learned counsel waives service for non-applicant Nos. 2 to 5.

Rajendra
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by Rajendra
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JUDGE