

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.401 OF 2019
IN
CRIMINAL APPEAL (STAMP) NO.391 OF 2019**

DINKAR SHRIPATI KOTEKAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA AND ORS.)...RESPONDENTS

Mr.Shekhar Ingawale, Advocate for the Applicant.

Mr.Anand Patil, Advocate for Respondent Nos.2 to 7.

Mr.V.B.KondeDeshmukh, APP for the Respondent - State.

**CORAM : INDRAJIT MAHANTY &
A. M. BADAR, JJ.**

DATE : 3rd APRIL 2019

P.C. :

1 Heard the learned counsel for the respective parties.

2 The learned counsel appearing for respondent nos.2 to 7 vehemently opposed this application for condonation of delay by

submitting that no sufficient cause is shown to condone the delay of 322 days in preferring the appeal challenging acquittal of the respondents.

3 We have considered the relevant submissions. In the light of averments made in paragraphs 2 and 3 of the instant application, which is on affidavit, sufficient cause is shown. Nature of crime is also relevant. The sessions case was pertaining to alleged murder of two persons. The State appeal is already admitted. In this view of the matter, the following order :

ORDER

- i) Delay in filing the appeal is condoned.
- ii) The application is disposed off accordingly.
- iii) Put up the matter for admission on **24th April 2019.**

(A. M. BADAR, J.)

(INDRAJIT MAHANTY, J.)