

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 594 OF 2017
WITH
CRIMINAL APPLICATION (ALS) ST. NO. 104 OF 2019

The State of Maharashtra ... Applicant

Versus

Mohammed Gous Asraf Khan ... Respondent

Mrs.M.H. Mhatre, APP for the Applicant State.

None for the respondent.

**CORAM : B.P. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.**

DATE : APRIL 30, 2019

P.C.:

Criminal Application No. 594 of 2017 :

State Government has filed Criminal Application (ALS) St. No. 104 of 2019 under section 378(2) Cr.p.C. and as there is delay of 41 days, the present application is taken out. Though the respondent is served he has chosen not to appear.

2. Learned APP has fairly invited our attention to order dated 24/10/2018 containing some comments on merits of controversy. It may have some bearing on grant or otherwise of the leave

sought for.

3. Though the applicant appears to have been served in November, 2018, he has not chosen to respond.

4. Perusal of the application seeking condonation of delay does not reveal any mala fides. We therefore, condone the delay. Criminal Application is accordingly allowed.

5. Registry to register the prayer seeking leave.

CRIMINAL APPLICATION (ALS) St.No. 104 of 2019 :

6. Delay in filing the present application is condoned by this Court today. After proceedings are registered, issue notice before admission to the respondents returnable on 15/7/2019.

(PRAKASH D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)