

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 43 OF 2019

The State of Maharashtra ... Applicant

Versus

Brijesh Rajesh Divakar @ Prince ... Respondent

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

None for the respondents.

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

DATE : APRIL 30, 2019

P.C.:

State Government seeks condonation of delay of 21 days in preferring the application under section 378(3) Cr.P.C. Though the respondent is served, he has chosen not to appear. Note put up by the Registry shows that on 25/3/2019 respondent was in Central Jail at Nashik.

2. In this situation, as we do not see any mala fides, the delay is condoned. Criminal Application is accordingly allowed.

Order on Application for Leave to Appeal :

3. This court has today condoned the delay in moving this application. After the application is registered, issue notice before

admission to respondents returnable on 22/7/2019.

(PRAKASH D. NAIK, J.)

(B.P. DHARMADHIKARI, J.)