

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 72 OF 2017

Municipal Corporation Greater Bombay .. Applicant

Versus

Vilas Ganpat Kadam & Ors. .. Respondents

...

Mr. Prashant Kamble a/w. Adv. Kunal Waghmare for the
Applicant.

Mr. N. P. Bhavsar for the Respondent Nos. 1 to 3.

Mrs. M. R. Tidke APP for the Respondent/State.

CORAM: P. N. DESHMUKH, J.

DATED : 6th NOVEMBER, 2019.

P.C:-

1. Heard learned counsel for the applicant, learned counsel for respondent and learned APP for the State.

2. This application is filed for condonation of 285 days delay caused in preferring application for leave to file appeal, challenging judgment dated 29th January, 2016 passed by the

Sonali Patil

Learned Sessions Judge, Greater Bombay acquitting respondent Nos. 1 to 3 for the offence punishable under Section 381 A r/w. 471 of the Mumbai Municipal Corporation Act.

3. Learned counsel for the respondent states that no case is made out for condonation of delay as, except for stating that no steps were taken by Advocate Mr. Chavan for drafting and filing appeal, no other ground is putforth.

4. In that background of submissions, it is to be noted that admittedly, applicant is Corporation and has panel of lawyers to defend their cause. As such though there appears substance in the case of respondent No. 1 to 3, learned counsel for the applicant submits that the subject matter in appeal needs to be decided on merits as according to applicant, respondents are indulged in illegal construction of Borewell. Having considering facts as aforesaid and as, applicant being Statutory Body is admittedly required to follow procedure and obtain various sanctions before proceeding in any legal matter. Delay is liable to becondoned in the interest of justice. Application is accordingly disposed of as allowed.

5. Office to register the application for leave to file appeal and upon registration, issue notice to the respondents.
6. Learned counsel for the respondent Nos. 1 to 3 waives service for respondent Nos. 1 to 3. Learned APP waives service of notice for respondent No. 4/State.
7. Stand over to 18th December, 2019.

(P. N. DESHMUKH, J.)