

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

CRIMINAL APPLICATION NO.193 OF 2017

Amarchand Pratapsingh Gandhi Applicant

Vs.

The State of Maharashtra & Ors. Respondents

Mr. Jatin Premji Shah for the Applicant.

Mr. S.S. Pednekar, APP for the State.

Mr. Vishal Gupta for Respondent nos. 2 and 3.

Coram : Smt. Sadhana S. Jadhav, J.

Date : 3rd April 2019

P.C.:

1 Heard respective counsel.

2 Learned counsel for respondent nos. 2 and 3 submits that the original complainant was Amarchand Gandhi, proprietor of Associated Industries Corporation whereas the present application is being filed by Amarchand Gandhi, proprietor of Associated Industrial Corporation. There is delay of 122 days in filing an application seeking leave to appeal. In any case, it is a proprietary concern and the name of the proprietor is the same.

3 Learned counsel for the applicant submits that the nomenclature of the propriety concern was and has been always Associated Industrial Corporation and it would not change its entity as such. In any case, the issue can be decided on merits. As on today, the application seeking condonation of delay deserves to be allowed in the interest of justice despite the fact that the learned counsel for respondent nos. 2 and 3 has vehemently opposed the grant of application.

4 For the reasons assigned in paragraph nos. 23, 27 and 29, the application seeking condonation of delay deserves to be allowed in the interest of justice. The delay of 122 days is condoned. The application is allowed in terms of prayer clause (a).

(Smt. Sadhana S. Jadhav, J)