

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

CRIMINAL APPLICATION NO. 265 OF 2017

Sandip Vasantao Akhegaonkar .. Applicant

Versus

Pawar-Patkar Constructions Pvt. Ltd. & Anr...Respondent

...

Mr. Satyajeet Dighe for the Applicant.

None for Respondent No.1.

Mrs. M. H. Mhatre APP for the Respondent/State.

CORAM: P. N. DESHMUKH, J.

DATED : 9th DECEMBER, 2019.

P.C:-

1. None for respondent No.1, though appears to be served.

2. Heard learned counsel for the applicant and learned APP for respondent No.2/State.

Sonali Patil

3. This application is for condonation of 3 years and 22 days delay caused in filing application seeking leave to file appeal against impugned judgment dated 11/04/2014 passed by learned Judicial Magistrate First Class, Nashik in S. C. C. No. 542/2012.

4. For the grounds mentioned in the paragraph No. 3 and 4 of the application, delay caused is not found to be intentional. The delay is found as such sufficiently explained. In that view of the matter and considering subject matter if the delay is not condoned, the subject in issue shall not be considered on merits but will be decided on mere technicality.

5. In that view of the matter and since respondent No.1 inspite of service, did not choose to contest the application, case is made out for condoning the delay. Application is disposed of as allowed.

6. Office to register application for leave to file Appeal.

On registering the same, issue notice to the respondents.
Learned APP waives service for respondent No.2/State.
Notice to respondent No.1 made returnable on 9th February,
2020.

(P. N. DESHMUKH, J.)