

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 302 OF 2017

Lliyas Abdul Karim Gaji.

..Applicant.

V/s.

Md. Haroon Abdul Rashid & ors.

..Respondents.

Mr. Vikrant A. Desai h/f. Mr. Suresh K. Kamble, advocate for applicant.

Mr. N.R. Bubna, advocate for respondents.

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

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : FEBRUARY 21, 2019.

P. C. :

1 Heard the learned Counsel for the applicant, learned Counsel for the respondents and the learned APP for State.

2 This is an application seeking condonation of delay in filing an application seeking leave to appeal challenging the Judgment and Order passed by the Judicial Magistrate at Malegaon in R.C.C. No. 635 of 2012, thereby acquitting the respondent Nos. 1 to 8 for offence punishable under section 420, 467, 468, 471 read with section 34 of the Indian Penal Code. For the reasons assigned in paragraph-4 of the application, the delay of 61 days in filing the criminal application deserves to be condoned in the interest of justice.

3 The learned Counsel for the respondents has vehemently objected to allow the application seeking condonation of delay on the ground that there is no plausible explanation for the inordinate delay in filing the application. Moreover, the accused has stood acquitted of all

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the charges. However, the said issue can be decided on merits.

4 In view of this, the application is allowed in terms of prayer clause (a). The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]