

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1108 OF 2018

IN

CRIMINAL APPEAL (ST) NO.853 OF 2018

Mr.Jalindar Yadav Bulakhe ... **Applicant**

V/s.

Mr.Sanjay Patil & Ors. ... **Respondents**

.....

Ms.Anu C. Kaladharan with Mrs.Renu Rohit Dubey, Advocate for the Applicant.

Mr.Vinod Chate, APP for the Respondent/State.

Ms.Gauri Velankar i/b. Mr.Mandar Limaye, Advocate for Respondent Nos.2 to 6.

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CORAM : A.M.BADAR J.

DATED : 20th SEPTEMBER 2019.

P.C. :

1 This is an application for condonation of delay of 65 days in challenging the Order dated 25/01/2018 passed by the learned Special Judge and Additional Sessions Judge, Pune in Criminal Miscellaneous Application No.278 of 2017 whereby 'B' Summary filed by the police was accepted.

2 Heard the learned Counsel appearing for the applicant/original applicant as well as the learned Additional

Public Prosecutor appearing for the State and Ms.Velankar, the learned Counsel appearing for respondent nos.2 to 6. Rest of the respondents are absent despite service. The Registry has certified vide report dated 13/09/2019 that all respondents are served.

3 After hearing the learned Counsel appearing for parties as well as the learned Additional Public Prosecutor I am of the considered view that in view of averments made in paragraph Nos.2 and 3 of the instant application which are virtually un-rebutted, the applicant has made out sufficient cause for not filing the appeal within limitation. Hence, the Order :

ORDER

- (i) The delay in filing the appeal is condoned.
- (ii) The Application is disposed of accordingly.

(A.M.BADAR, J.)