

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 433 OF 2017**

Municipal Corporation of Gr. Mumbai. ..Applicant.

V/s.

Dr. Vijay Chawda & anr. ..Respondents.

Ms. Teja Katdare I/b. Mr. Kunal Waghmare, advocate for applicant.

Mr. M.K. Kocharekar, advocate for respondent No. 1.

Ms. Pallavi Dabholkar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : APRIL 25, 2019.

P. C. :

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

2 This is an application seeking condonation of delay in filing an application seeking leave to appeal, thereby challenging the acquittal of the respondent No. 1 in C.C. No. 113 of 2011, wherein he is acquitted of the offence punishable under section 4(3), 29, Rule 9(4) read with section 23 of PCPNDT Act2003. The delay is of 191 days. The learned Counsel for the respondent has vehemently opposed the grant of condonation of delay. However, the matter can be decided on merits. For the reasons assigned in paragraphs 4 to 6, the delay deserves to be condoned in the interest of justice. The application is allowed in terms of prayer clause (a) and disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

Talwalkar