

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

CRIMINAL APPLICATION NO. 640 OF 2017

M/s. Vitthal Autolines, Tembhurni .. Applicant

Versus

Sandip Prakash Tonpe & Anr. .. Respondents

...

Mr. Yogesh Thorat i/b. Adv. Ashok B. Tajane for the
Applicant.

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

CORAM: P. N. DESHMUKH, J.

DATED : 6th NOVEMBER, 2019.

P.C:-

1. None for the respondent No.1, though served.
2. Heard learned counsel for the applicant, learned counsel for respondent No.2 and learned APP for the respondent/State.
3. This application is for condonation of 53 days delay caused in filing application for leave to file appeal against judgment

Sonali Patil

dated 1st July, 2017 passed by learned Judicial Magistrate First Class, Madha at Madha in S.T.C. No. 205/2016, thereby acquitting the respondent No. 1.

4. For the grounds mentioned in paragraph Nos. 3 to 5 of the application and since, it is found that delay whatsoever is caused, is due to the Advocate who was prosecuting the complaint before the Trial Court and no fault can be attributed to the applicant. In that view of the matter, since delay is found satisfactorily explained, application is allowed in the interest of justice and is accordingly disposed of as allowed.

5. Registry to register the application for leave to file appeal. Upon registration, issue Notice to the respondent. Learned APP waives service of notice for respondent No.2. Notice to respondent No.1 is made returnable on 18th December, 2019.

(P. N. DESHMUKH, J.)