

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO. 977 OF 2018

IN

CRIMINAL APPEAL NO..... OF 2019.

(State of Maharashtra, thr. PSO, PS Yavatmal City, Yavatmal, Tq. & District Yavatmal Vs.
Shaikh Alim @ Kavtya Sheikh Kalim, Yavatmal & Ors.)

WITH

CRIMINAL APPEAL NO. 481 OF 2019.

(Gangadhar S/o. Rudradhar Mishra, Yavatmal Vs. Sheikh Alim @ Kavtya S/o. Sheikh Kalim,
Yavatmal & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri M.K.Pathan, APP for applicant in
Cri.Appli.977/2018 and for resp.no.4 in Cri.Appeal
no. 481/2019.
Shri A.K.Choube, Advocate for appellant in
Cri.Appeal No.481/2019.
Shri M.N.Ali, Advocate for respondent no.1.
Shri Tejas Deshpande, Advocate for respondent no.3.

CORAM : P.N. DESHMUKH AND
PUSHPA V. GANEDIWALA, JJ.
JULY 31, 2019.

None for respondent no.2, though served.

This application is for condonation of 51
days delay caused in preferring the appeal against
the judgment and order dated 26/04/2018 passed by
the learned Sessions Judge, Yavatmal in Sessions
Trial no. 88 of 2016 thereby acquitting the
respondents for the offence punishable under Section
302 read with Section 34 of the Indian Penal Code

and Section 4/25 of the Arms Act.

For the grounds mentioned in paragraph nos. 2 and 4 of the application, delay caused is found satisfactorily explained.

Considering the said aspect and subject matter in appeal, delay of 51 days caused in preferring the appeal is condoned.

Civil Application is disposed of as allowed.

CRIMINAL APPEAL NO..... of 2019.

As connected Criminal Appeal no. 481 of 2019 filed by victim under Section 372 of the Code of Criminal Procedure is admitted, leave allowed.

Admit.

Issue notice to respondent nos. 1 to 3, returnable on adjourned date.

Shri M.N.Ali, learned Advocate waives notice for respondent no.1 and Shri Tejas Deshpande, learned Advocate waives notice for respondent no.3.

Call record and proceedings.

S.O. to 03/09/2019.

JUDGE

JUDGE

Sumit.