

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 CRIMINAL APPLICATION NO.2324 OF 2018

MAHENDRA @ BALU BHAGWAN MORE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Syed A. R. holding for Mr. Brahme S. P.
APP for Respondent-State : Mr. A. M. Phule.

.....

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 22-10-2020.

PER COURT :

1. Heard learned Advocate Mr. Syed A. R. holding for Mr. Brahme S. P. for the applicant and learned APP.
2. By this application the applicant wants to get delay of 108 days condoned in preferring appeal. He want to challenge order dated 11-01-2018 below Exhibit 07 passed by the learned Additional Sessions Judge, Jalgaon in Sessions Case No.48 of 2017 thereby rejecting his application for discharge under Section 227 of Code of Criminal Procedure.
3. The learned Advocate for the applicant submits that, the applicant had given instructions to his Advocate and even the Advocate had drafted the revision within limitation, however thereafter the applicant suffered chickenpox and could not move. He was advised

rest and, therefore, he could not approach this Court within time.

4. The learned APP strongly opposes the application and submits that the reason mentioned by the applicant is not genuine and reasonable. When he had got the certified copies within limitation, he ought to have filed the appeal within limitation.

5. The applicant has produced medical certificate dated 10-04-2018 stating that the applicant has suffered from chickenpox. It is absolutely not mentioned in the said application as to since when he is suffering. Further it is also not mentioned the period of rest advised to him, yet taking liberal approach and the fact that the delay is of 108 days, by imposing cost the application can be allowed. Hence following order.

ORDER

- 1) Application is hereby allowed subject to deposit of cost of Rs.5000/- (five thousand) to be deposited within one month from the date of this order.
- 2) After the deposit of the amount, revision be verified and be numbered.

**(SMT. VIBHA KANKANWADI)
JUDGE**

vjg/-