

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

CRIMINAL APPLICATION [APPA] NO. 499/2020.

Central Bureau of Investigation, Nagpur.

-VERSUS-

Md. Muzammil Md. Mustafa

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Ms. M.R. Chandurkar, Advocate for the Applicant.

CORAM : VINAY JOSHI, J.

DATE : DECEMBER 09, 2020.

Heard.

2. The applicant / CBI is seeking condonation of delay of 21 days in filing appeal to challenge the order of acquittal passed in Special CBI Case No.13/2012.

3. The Central Agency has canvassed that, after obtaining certified copy of the judgment it was forwarded to the Authority seeking opinion and recommendation for filing appeal, which has consumed time. Details thereof have been

2

mentioned in paragraph nos.6 to 11 of the application.

4. It is a settled law that applications under Section 5 of the Limitation Act are to be considered liberally by adopting justice oriented approach. Having regard to these facts, the application is allowed and disposed of. Delay is hereby condoned. Office to register the appeal.

.....

Criminal Application/Appeal No. _____/2020.

Heard.

2. This is an appeal challenging the order of acquittal passed in Special CBI Case No.13/2012 for the offence punishable under Sections 7 and 13[2] read with 13[1][d] of the Prevention of Corruption Act.

3. Section 378[2] of the Code of Criminal Procedure authorizes the Central Agency to challenge the order of acquittal, provided leave is obtained under Section 378[3] of the said Code.

Order

0912appa499.20

3

4. Issue notice to the respondent on the aspect of grant of leave, returnable four weeks.

JUDGE

Rgd.