

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

CRIMINAL APPLICATION [APPA] NO. 688 OF 2019.

Savitri Ashok Bhanarkar.

-VERSUS-

Madhav Eknathji Charjan

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

Court's or Judge's Orders

Shri V.U. Waghmare, Advocate for the Appellant.
Shri A. Gharde, Advocate for the Respondent.

CORAM : VINAY JOSHI, J.

DATE : JANUARY 09, 2020.

Heard.

2. This is an application for condonation of delay of 89 days caused in challenging the order of acquittal passed in Appeal No.141/2013. The applicant/appellant – complainant contended that in the meantime she was suffering from various ailments relating to eye. It is pleaded in paragraph no.7 that she was suffering from cataract and was required to be hospitalized and

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was operated. The applicant has produced case summary issued by the concerned hospital to support her stand.

3. The learned counsel for respondent has opposed the application. He submits that the delay is not properly calculated and explained.

4. With the assistance of both the learned counsel, delay is calculated. It reveals that the delay appears to be of 76 days. The respondent would submit that though the appellant was suffering from left eye cataract, she could have performed her daily affairs through right eye. The said submission does not hold any substance, because, even if a person is suffering from the ailment of one eye, he or she is required take proper treatment, and would be impaired from doing work.

5. It is settled that the term “sufficient cause” is to be liberally construed by adopting justice oriented approach. However, on condoning the delay, other side is required to face another

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round of litigation, therefore, he is required to be compensated. In the circumstances, I find that the applicant has made out sufficient cause for condoning the delay. Criminal Application is, allowed subject to payment of costs of Rs. 3000/- to the respondent within a period of two weeks from today. On payment/deposit of the said cost in this Court, the delay shall stand condoned. In the event, office to register the Appeal and list for further consideration.

JUDGE

Rgd.