

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APPA) No.946/2019
(Laxman Dhakate V Mohd. Imran Rizwi)

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

Court's or Judge's orders

Ms A.P. Murrey, Adv for applicant.
Ms Shilpa R. Asher, Adv for respondent.

CORAM : S.M. MODAK, J.
DATE : 09-03-2020.

The learned Advocate for the respondent-accused seeks time to file reply to the delay condonation application. Learned Advocate for the appellant also seeks time. When asked about the averments made in the application, learned Advocate for the respondent was kind enough to assist the Court. She has objected for condoning the delay.

2. The judgment was delivered on 09-05-2019. Copy was supplied on 03-06-2019 and delivered on 11-06-2019. That period needs to be excluded. The appellant has sought time for obtaining the copies of depositions. It was applied on 20-08-2019 and delivered on 17-09-2019. Copies of depositions are not required for accepting the appeal but, it may be required for the concerned Advocate to draft an appeal. So what I transpire is that the appellant took time to collect the papers which is the requirement by the learned Advocate. The amount of cheque is of Rs. 3,50,000/-. Hence, the delay can be condoned subject to the costs. Hence, the order.

ORDER

(a) The delay of 103 days is condoned.

- (b) The appellant to pay costs of Rs. 1000/- to the respondent within 15 days.
- (c) Subject to that the appeal may be numbered

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Matter be kept on 30-03-2020 for hearing the parties on the point of grant of leave to prefer an appeal. The appellant to supply the necessary documents to the respondent in time. Notice on respondent is awaited.

(S.M. Modak, J.)