

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 CRIMINAL WRIT PETITION NO.956 OF 2021

SAYYED ZAQUIR HUSSAIN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Mr.Bhargav B. Kulkarni h/f. Mr. K.C. Sant, Advocate for
the petitioners.

Ms.G.L. Deshpande, APP for the respondent/State.

CORAM : N.R.BORKAR, J.

DATED : 02.12.2021

PC :-

01. This petition takes exception to order dated
05.03.2021 passed by the learned Additional Sessions
Judge, Ahmednagar, below Exh.1 in Cri. (Delay) M.A.
No.129 of 2018.

02. The present petitioners were accused in RCC
No.560/2008 on the file of JMFC, Ahmednagar. In the said
case, the accused were tried for the offences punishable
under section 498-A, 354, 323, 504, 506 read with section

34 of the Indian Penal Code and sections 3 & 4 of the Dowry Prohibition Act. The learned Magistrate by its judgment and order dated 19.01.2017 acquitted them of all the charges. The State has filed appeal against acquittal before the Sessions Court. As there was delay in filing appeal, application for condonation of delay was filed. By the order impugned the said application filed by the State came to be allowed.

03. I have heard learned Counsel for the petitioners and learned APP for the respondent/State.

04. The learned Counsel for the petitioners submits that there is absolutely no explanation in the application for inordinate delay of 496 days. It is submitted that the appellate Court was thus not justified in condoning the delay.

05. It appears that after decision of the Trial Court on 19.01.2017, the application was immediately made

for certified copy of the judgment on 21.01.2017. The certified copy of the judgment was made available on 10.02.2017. Thereafter, proposal was submitted to the District Magistrate, Ahmednagar for filing appeal on 23.02.2017. After scrutiny of the proposal, letter was sent to the office of the District Government Pleader on 26.06.2018 for filing appeal. Then appeal was filed in the month of July, 2018.

06. Though there appears to be no explanation as to why the proposal was not expeditiously scrutinized and why it was kept pending for more than one year, however, considering the fact that it is first appeal and that too against acquittal for serious offence, I am not inclined to interfere with the order impugned in the writ jurisdiction. The writ petition is dismissed.

[N.R.BORKAR, J.]