

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.2162 OF 2018
IN
APPL. FOR LEAVE TO APPEAL BY STATE NO. OF 2018**

The State of Maharashtra ..APPLICANT

VERSUS

Gulam Dastagir s/o Gausoddin Farooqui ..RESPONDENT

Mr S. G. Sangle, A.P.P. for applicant;
Mr P. S. Paranjape, Advocate for respondent

**WITH
CRIMINAL APPLICATION NO.2368 OF 2020
IN
CRIMINAL APPEAL NO.579 OF 2020**

**WITH
CRIMINAL APPLICATION NO.2367 OF 2020
IN
CRIMINAL APPLICATION NO.2162 OF 2018**

Vaishali w/o Khanderao Sodgir ..APPLICANT

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

Mr P. C. Mayure, Advocate for applicant;
Mr S. G. Sangle, A.P.P. for respondent No.1;
Mr P. S. Paranjape, Advocate for respondent No.2

**WITH
CRIMINAL APPEAL NO.335 OF 2018**

Mohd. Arifoddin s/o Gulam Dastagir
Farooqui ..APPELLANT

VERSUS

(2)

The State of Maharashtra & anr.

..RESPONDENTS

Mr P. S. Paranjape, Advocate for appellant;
Mr S. G. Sangle, A.P.P. for respondent No.1;
Mr P. C. Mayure, Advocate for respondent No.2

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

DATE : 11th January, 2021

PER COURT:

1. By Criminal Application No.2162 of 2018, the State seeks condonation of delay of 51 days, caused in preferring an appeal for seeking permission/leave to appeal.
2. We have heard the learned Prosecutor on behalf of the State and the learned Advocate appearing on behalf of the original accused.
3. Having perused the grounds set out in the light of the submissions of the learned Counsel, we do not find that the delay of 51 could be termed as being inordinate or deliberate.
4. As such, this application is allowed and the delay of 51 days is condoned.
5. By the consent of the parties, the application seeking leave to file an appeal filed by the State has been heard. The learned Advocate appearing on behalf of the accused, who has been acquitted, submits that there is no objection if the application is allowed.

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6. In view of the above, the application filed by the State for seeking leave to appeal, is allowed. Since the State has put forth the grounds for appeal in the present application, the same is treated as an appeal.

7. Considering the above, Criminal Application No.2368 of 2020 filed by the original complainant, seeking leave to assist the Prosecutor in Criminal Appeal No.579 of 2020, is allowed, as there is no objection.

8. Consequentially, Criminal Application No.2367 of 2020, filed by the original complainant, for seeking leave to assist the Public Prosecutor in Criminal Appeal No.335 of 2018, is also allowed.

9. As Criminal Appeal No.335 of 2018 and Criminal Appeal No.579 of 2020 are admitted, the appeal filed by the State is also **‘Admitted’**.

10. Since all the parties are before this Court, by consent, list all the three appeals for final hearing on 24th February, 2021.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

sjk