

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 50 OF 2021

IN

CRIMINAL APPEAL NO. 21 OF 2018

Anil N. Bankhele & Anr.

... Applicants

V/s.

The State of Maharashtra

... Respondent

Mr. Aniesh Jadhav for Applicants.

Mr. Amit Palkar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 3rd February 2021.

PC. :

This is an application for restoration of Criminal Appeal No. 21 of 2018, which was dismissed for non-compliance of conditional Order dated 20th February 2019. There is a delay of 654 days in filing the present application.

2. Learned A.P.P. submitted that, the applicants have not given plausible explanation for condonation of such an inordinate delay and therefore it may not be condoned. He further submitted that, if the Court is inclined to condone the delay, exemplary cost may be imposed upon the applicants.

3. Perusal of application would indicate that, sufficient cause is made out for condonation of delay.

4. In view thereof, delay is condoned, subject to condition that, the applicants shall pay a cost of Rs.10,000/- (Rs.Ten Thousand Only) to the High Court Legal Services Committee, Mumbai having its account namely “High Court Legal Aid Fund”, Account No. 60045304283, IFSC-MAHB00000002 of the Bank of Maharashtra, Branch-Fort, Mumbai-400032, maintained by the High Court Legal Services Committee, Mumbai, Room No. 105, 1st Floor, PWD Building, High Court, Mumbai within a period of two weeks from today.

It is made clear that, the payment of cost is a condition precedent for condonation of delay and restoration of Criminal Appeal No.21 of 2018.

5. In view of above, Application is allowed in terms of prayer Clause (a) and (b).

Subject to payment of cost the appellants are permitted to supply spare copies in the Registry, in pursuance of Order dated 20th February 2019, within a period of one week thereafter.

6. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]

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