

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 24 OF 2021

IN

CRIMINAL REVISION APPLICATION NO. 34 OF 2021

Irrappa Sidharayya Adole

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Rushikesh Kale i/b. Mr.V.V. Purwant for Applicant.

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

CORAM : A.S. GADKARI, J.

DATE : 15th January 2021.

PC. :

This is an application for condonation of delay of 1064 days in preferring Interim Application for recalling the Order dated 8th January 2018, dismissing the Revision Application of the applicant for non-prosecution.

2. Mr.Palkar, learned A.P.P. opposed the application and submitted that, no plausible explanation has been offered by the applicant for condonation of delay. He however fairly submitted that, if the Court is inclined to condone the delay in the interest of justice, the applicant may be saddled with exemplary cost.

3. Perusal of application would indicate that, it was a mistake/error on the part of the learned Advocate appearing for the applicant in not

appearing in the matter on 8th January 2018 when the Revision Application was called out for hearing. The applicant has preferred the said Revision against his conviction under Section 279 and 338 of the Indian Penal Code.

4. In view thereof and in the interest of justice, I am inclined to condone the delay, subject to condition that the applicant shall pay a cost of Rs.10,000/- to the High Court Legal Services Committee, Mumbai within a period of two weeks from today. It is made clear that, the payment of costs is condition precedent for condonation of delay for hearing the application for restoration of Revision Application No.34 of 2001.

The applicant to pay/deposit the cost in the account namely “High Court Legal Aid Fund”, Account No. 60045304283, IFSC-MAHB0000002 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.

5. Application is accordingly allowed in terms of prayer Clause (b).

[A.S. GADKARI, J.]

Omkar S.
Kumbhakarn
Digitally signed
by Omkar S.
Kumbhakarn
Date:
2021.01.16
17:01:01 +0530