

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPA) NO. 106 OF 2021
IN
CRIMINAL APPEAL NO. _____ OF 2021

Ashok Sahebrao Lahane

Vs.

The State of Maharashtra, through P.S.O. Lonar, Dist. Buldhana and anr

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

Court's or Judge's orders.

Shri B.L. Borikar, Advocate for the applicant.
Shri S.M. Ghodeswar, A.P.P. for the non-applicant No.1/State.
Shri S.V. Sirpurkar, Advocate for the non-applicant No.2.

CORAM : V.M. DESHPANDE AND AMIT B. BORKAR, JJ.
DATE : 10th AUGUST, 2021.

1. At the outset, Shri B.L. Borikar, learned counsel for the applicant submits that there is a petty mistake in the cause title of the application and wrongly it is stated as "Claim Petition", it should be "Criminal Appeal".

Oral prayer for amendment is allowed. Amendment be carried out forthwith.

2. This is an application for condonation of delay in filing the appeal challenging the judgment and order of acquittal passed by the learned Additional Sessions Judge, Mehkar, District Buldhana in Sessions Trial No.145 of 2019, whereby the learned Judge acquitted the non applicant No.2 of the offence punishable under Section 302 of the Indian Penal Code, 1860.

3. Shri Borikar, submits that there is delay of 284 days, in filing the appeal on behalf of the original complainant.

4. Notices on this application were issued on 15.02.2021.

5. Shri S.M. Ghodeswar, learned Additional Public Prosecutor waives service on behalf of the non-applicant No.1/ State.

6. The non-applicant No.2 is duly served. On behalf of the non-applicant No.2 Shri S.V. Sirpurkar has filed his Vakalatnama. He submits that he has no objection in allowing this application.

His statement is accepted.

7. The delay in filing the appeal against acquittal stands condoned. Office to Register the appeal.

8. The Criminal Application is **allowed** and **disposed of** accordingly.

JUDGE

JUDGE