

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.589 OF 2021

Omprakash s/o Narayandas Bajoriya, thr. Its power of Attorney

..vs..

Mangesh Yashwantrao Deshpande

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

Court's or Judge's orders

Shri N.R. Tekade, Advocate for the applicant/appellant.

CORAM : VINAY JOSHI, J.
DATED : 13/10/2021

Heard.

2. The applicant/appellant (original complainant) is seeking for condonation of delay caused in filing appeal challenging the order of dismissal of complaint dated 28.02.2020. Since, the complaint was dismissed, it has effect of acquittal, hence, the order has been challenged in the Appeal.

3. Learned Counsel for the applicant would submit that, in fact, there is no delay as a period of limitation has been exempted by the Hon'ble Supreme Court in Misc. Application No.665 of 2021 in SMW(C) No.3 of 2020 of which order dated 23.09.2021 is produced.

4. Due to outbreak of COVID-19 pandemic situation, the Supreme Court *suo moto* took cognizance and exempted the period of limitation

from 15.03.2020 onwards. Time to time, the period of exemption has been renewed and it was continued till 02.10.2021. The order indicates that the cases where the period of limitation would expire in between 15.03.2020 to 02.10.2021, then the fresh period would be calculated after 03.10.2021. In view of that, this application is covered by those directions, hence, the time period which can be formally called as a delay, stands condoned.

5. Applications stands disposed of accordingly.

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1. Issue notice to the respondent on the point of grant of leave, returnable after four weeks.

JUDGE

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