

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

909 CRIMINAL APPLICATION NO.2469 OF 2022
IN APEALST/6791/2022

ATUL CHAGAN SOLANKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Amar Vinayakrao Lavte.

APP for Respondent/State: Mr. R. D. Sanap.

Advocate for Respondent No.2: Mr. Sharad S. Shinde.

...

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 21st September, 2022.

P.C.:

. It is an application for condonation of delay moved by the applicants by taking aid of Section 5 of the Limitation Act, 1963.

2 Heard Mr. Lavte, learned counsel for the applicants, Mr. Shinde, learned counsel for respondent No.2 and Mr. Sanap, learned APP for the respondent/State.

3 The learned counsel for respondent No.2 strongly opposed to condone the delay on the ground that the applicants have not explained the delay properly.

4 I do not find much force in the objections of the learned counsel for respondent No.2. Paragraphs Nos.2 to 4 of the application for

condonation of delay would throw light as to how the delay was occasioned in preferring the appeal. There is delay of 59 days in preferring the criminal appeal. As such, the delay needs to be condoned in the interest of justice. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed.
- II. The Registry is directed to make scrutiny of the appeal as per the procedure and thereafter, it be numbered and place before the Court for further consideration on 28th September, 2022.
- III. The application for condonation of delay stands disposed of accordingly.

[SHRIKANT D. KULKARNI, J.]

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