

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL MISC. APPLICATION NO. 272 OF 2019.

IN

STAMP APPLICATION MAIN NO. 3377 OF 2019

CENTRAL BUREAU OF
INVESTIGATION ANTI CORRUPTION
BRANCH, BAMBOLIM.

...Applicant.

VS.

A. SHIVARAMA PAI AND ANR.,

...Respondents.

Mr. M. Amonkar, Addl. Public Prosecutor for the applicant.

Mr. R. Desai, Advocate for the respondent no. 2.

CORAM: C. V. BHADANG, J.

DATE: 18th April, 2022.

P.C.:

1. This is an application for condonation of delay in filing an application for leave to appeal against acquittal. According to the applicant the delay is of 95 days. The learned Counsel for the respondent no.2 points out that the applicant has reckoned the period of limitation as 90 days whereas it is 60 days and therefore the delay is in excess of 90 days.

- 2.** It is also pointed out that the application has been filed under wrong provision. The learned Counsel for the respondent no.2 points out that the application has to be under Section 5 of the Limitation Act whereas it is filed under Section 473 of Cr.P.C.
- 3.** In my considered view the fact that a wrong provision has been quoted while filing the application may not be decisive. Ultimately the substance has to be seen.
- 4.** Upon hearing the learned Counsel for the parties and for the reasons mentioned in the application the delay stands condoned. The application is allowed. Let the application for leave be registered.
- 5.** Application stands disposed of.

C. V. BHADANG, J.