

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 2429 OF 2022****IN****CRIMINAL APPEAL (ST.) NO. 12067 OF 2022**

Vaishali Kakasaheb Kamble

... Applicant/Appellant

V/s.

The State of Maharashtra

... Respondent

Mr.Vilas B. Tapkir for Applicant/Appellant.

Ms.M.H. Mhatre, A.P.P for Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 1st December 2022.****PC. :**

1. This is an application for condonation of delay of 1 year and 178 days in preferring the present Appeal, under Section 12 of The Maharashtra Control of Organised Crime, Act, 1999 (*for short*, '*MCOC Act*').

2. Mr.Tapkir, learned counsel for Applicant submitted that, against the impugned Order dated 28th January 2020, Petitioner had initially filed Criminal Writ Petition No. 5729 of 2021. However, as the same was not maintainable, on 17th June 2022 the same was withdrawn with liberty to file present Appeal. That the present Appeal was thereafter immediately filed on 14th July 2022. He submitted that, the Applicant is therefore entitled to get

benefit under Section 14 of The Limitation Act, 1963 for pursuing remedy before incorrect forum.

3. In view thereof and for the reasons stated in the Application, delay is condoned and Application is allowed in terms of prayer Clauses (a) and (b).

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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