

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

**CRIMINAL APPLICATION (APPA) NO.698/2022
IN
CRIMINAL APPEAL NO...../2022**

State of Mah., thr. PSO PS Ghuggus, Tahsil and District Chandrapur

..VS..

Atul s/o Manohar Nikhade

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

Court's or Judge's Order

.....
Shri M.K.Pathan, Additional Public Prosecutor for the
Applicant/State.

CORAM : ROHIT B.DEO & URMILA JOSHI-PHALKE, JJ.
DATED : 13/12/2022

1. This application is preferred seeking condonation of delay of 52 days in filing the appeal challenging judgment of acquittal.

2. In view of averments in the application, which are supported by personal affidavit of learned Additional Public Prosecutor Shri M.K.Pathan for the State, we allow the application and condone the delay.

3. We may note that while the non-applicant sole is shown not served, the intimation letter is duly served by the concerned police station on non-applicant 2 on 2.12.2022. As a fact, we did not hear the matter on 5.12.2022 only because there was no appearance on behalf of the acquitted accused. Since he is

not present even today, we have proceeded to consider the application for condonation of delay.

4. The appeal be registered.

Criminal Appeal No...../2022

Issue notice to respondents, returnable on **3.1.2023**.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B.DEO , J.)

!! BrWankhede !!

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