

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

**Criminal Application (APPA) No. 586 of 2021
in
Criminal Appeal No. _____ of 2021**

Jitendra S/o Bhimrao Tembhurne
Versus
Jayant Rajabhau Thote

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.S.Sahare, Advocate for the applicant.

**CORAM : ANIL S. KILOR, J.
DATED : 11th April, 2022.**

This is an application for condonation of delay in filing appeal against acquittal. There is delay of 926 days in filing criminal appeal.

2. I have heard Shri Sahare, learned counsel for the applicant. None for the non-applicant/respondent, though served.

3. Shri Sahare, learned counsel for the applicant submits that as the counsel who was appearing in the Summary Criminal case filed by the applicant, did not inform about dismissal of the case vide order

dated 13th December, 2018 and as the applicant got the knowledge about the dismissal only when he contacted his counsel on 25th December, 2019, thereafter the steps were taken to file the appeal. However, the delay is caused in filing the application for condonation of appeal alongwith appeal.

4. I have perused the application. The only reason given in the application is that applicant had no knowledge about the dismissal of the summary criminal proceeding vide order dated 13th December, 2018 and he first time got knowledge about the same on 25th December, 2019 when he contacted his counsel.

5. There is no explanation offered by the applicant that for more than one year why he did not contact the counsel to know the status of his case.

6. Merely making allegations against the learned advocate is not sufficient. At the same time, it is also necessary for the applicant to show his effort in the matter to know the status of the case and to show his continuous interest in pursuing of the cause.

7. The Summary Criminal case was filed in the year 2015 and and it was dismissed vide order dated 13th December, 2018 for the reason that there was

continuous non-compliance of various orders directing the complainant to proceed further. This also shows that the applicant had not taken proper care in the matter and there was non-compliance of various orders passed by the learned Trial Court.

8. Moreover, there is no explanation offered by the applicant in the application for the delay caused after 25th December, 2019 till filing of the present application alongwith Appeal on 21st September, 2021.

9. For the reason that no explanation has been offered by the applicant for causing delay in filing the appeal, I am of the opinion that application needs to be rejected. Accordingly, I pass the following order.

ORDER

i. Criminal application is rejected.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.04.13
14:52:26 +0530