

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

CRIMINAL APPLICATION (APPA) NO.201/2022

IN
CRIMINAL APPEAL NO.750/2019

Prashil s/o Sudhakar Rao Nagpure

...Versus...

The State of Maharashtra, through Police Station Officer, Police Station, Ajani,
Nagpur and another

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

Court's or Judge's orders

Shri A.P. Chaware, Advocate for applicant
Mrs. M.H. Deshmukh, APP for respondent no.1
Shri G.N. Khanzode, Advocate for respondent no.2

CORAM : AVINASH G. GHAROTE, J.

DATE : 01/07/2022

This application seeks condonation of delay of 07 days in the matter of filing of the present appeal.

Shri Khanzode, learned Counsel for the respondent no.2 vehemently opposes the application and submits that the delay is not of 07 days but is of 195 days. Shri Chaware, learned Counsel for the applicant submits that if the period spent in prosecuting the Criminal Revision Application No.252/2019 is deleted, the delay would be of 07 days only and according to him, such delay is permitted under Section 14 of Limitation Act. Considering that Section 14 of the

Limitation Act in the facts of the present matter and from the material available on record appears to be attracted, the delay of 07 days in filing the criminal appeal is hereby condoned. The criminal application is hereby allowed and disposed of accordingly.

CRIMINAL APPLICATION (APPA) NO.616/2021

IN

CRIMINAL APPEAL NO. _____/2022

This criminal application seeks condonation of delay of 892 days in preferring the appeal, challenging the order dated 14/02/2019. The said order has been questioned in Criminal Appeal No.750/2019, in which, the delay of 07 days has already been condoned. Though Shri Khanzode, learned Counsel for the respondent no.2 opposes the same and since the order impugned dated 14/02/2019 is already the subject matter of challenge in Criminal Appeal No.750/2019, I do not see any reason to reject the application, however, the same shall be subject to costs of Rs.5,000/-. Hence, the following order.'

ORDER

The delay caused in filing the appeal is hereby condoned, subject to payment of costs of Rs.5,000/- to be deposited by the applicant with the High Court Legal Services Sub-Committee, Nagpur by Monday i.e. 4th July, 2022.

The Criminal Application is allowed and disposed of accordingly.

Office to register the appeal and list the same on 04/07/2022.

(AVINASH G. GHAROTE, J.)

TAMBE