

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

Criminal Application (APPA) No. 86 of 2022

in

Criminal Appeal No.____ of 2022

Elite Udyog, through its proprietor Shri D.N.Patil

Versus

Wahabkha S/o Darabkha Pathan

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

Court's or Judge's Order

Shri S.D.Sirpurkar, Advocate for the applicant.

Shri P.K.Mohta, Advocate for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 11th April, 2022.

This is an application for condonation of delay. There is a delay of 605 days in filing the appeal against acquittal.

2. Heard learned counsel for the respective parties.

3. Learned counsel for the applicant has drawn attention of this Court to the reasons stated in the application for causing delay in filing the appeal. It is submitted that the appellant is a proprietor firm. The proprietor Dnyandeo Ninnu Patil, as per the medical documents filed on record, is aged about 74 years,

though in the cause title and in the body of the application it is mentioned as 67 years.

4. Learned counsel for the applicant further submitted that due to serious health condition, the applicant could not take immediate steps to file the appeal.

5. Learned counsel for the non-applicant/respondent opposes the present application and submits that sufficient cause has not been shown by the applicant, hence, the application may be rejected.

6. Having considered the reasons stated in the application and the medical documents filed on record of the proprietor of the applicant-firm, I am of the opinion that sufficient reasons and cause have been shown for condonation of delay in filing the appeal. In that view of the matter, I am of the opinion that the present application needs to be allowed. Accordingly, I pass the following order.

ORDER

- i. Criminal application is allowed;
- ii. The delay of 605 days in filing the appeal is condoned;

iii. The office is requested to register the appeal and place the same for 'Admission'.

[ANIL S. KILOR, J.]

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