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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.385 OF 2023
IN REVNST/877/2023**

**VIJAY MADHUKAR NADE
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. Sachin Subhash Panale
APP for Respondent/State : Mr. S.P. Deshmukh

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CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 20, 2023

PER COURT:-

1. Issue notice to the State. Learned APP waives service of notice for the State.
2. Heard learned counsel for the applicant and learned APP for the State.
3. The applicant seeks condonation of delay of 1099 days in challenging the order refusing discharge. Learned APP has strongly opposed the application contending that there is inordinate delay in preferring the revision. The reasons for delay are also not sound.
4. Learned counsel for the applicant would submit that the proceeding would be unfruitful and wastage of time before the trial Court as the applicant cannot be tried.
5. Normally, the High Courts are liberal in condonation of delay but the rule of sufficient and reasonable ground to condone the

delay cannot be ignored. The novel reason for condonation of delay in this case is that one of the main accused has been discharged by this Court by order dated 16.10.2022. The applicant recently learnt that he has been discharged. The another ground raised in this application is that as per Government Resolution dated 03rd April 2000, when the sanction to prosecute senior officer is refused, the sub-ordinate officer shall not be prosecuted. Same grounds were raised in the discharge application. Considering the reasons, this Court is not satisfied that there are the grounds to be considered for condonation of delay. The approach of the applicant does not appear bonafide. Therefore, this being an exceptional case, the delay condonation application stands dismissed.

(S.G. MEHARE, J.)