

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

912 CRIMINAL APPLICATION NO. 925 OF 2023
IN APPLICATION FOR LEAVE TO APPEAL BY PVT PARTY (ST)
NO. 2320 OF 2023

ASHOK YADAVRAO KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. K.T. Jamdar – Advocate for Applicant
Mr. R.D. Sanap – APP for Respondent No.1, State
Mr. C.S. Deshmukh h/f. Mr. D.A. Palodkar – Advocate for
Respondent No.2

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 15th September, 2023

PER COURT :

1. Heard rival submissions.

2. The applicant – original complainant is seeking delay of 242 days in filing this application for leave to appeal. It is contended by the learned Counsel for the applicant that, the informant got knowledge of the acquittal of respondent No.2 – accused after one month of the judgment and thereafter certain time was spent in getting the certified copies and therefore the delay has been caused.

3. On the contrary, the learned Counsel for respondent No.2, strongly opposed the application on the ground that, there is no sufficient cause mentioned in the application for condoning such delay.

4. However, considering the right to file appeal the applicant must get a chance. The inconvenience of the respondent No.2 can be compensated by awarding suitable cost. Hence, following order is passed :

ORDER

(a) The application is hereby allowed and the delay of 242 days caused in filing application for leave to appeal is hereby condoned subject to cost of Rs.2,000/- (rupees two thousands only) to be paid to respondent No.2 – accused by the applicant within a period of one week.

(b) Application for leave to appeal be registered after deposit of cost.

**[SANDIPKUMAR C. MORE]
JUDGE**