

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

968 CRIMINAL APPLICATION NO.1246 OF 2023
IN ALPST/3261/2023

RAJENDRA DWARKADAS AGRAWAL
VERSUS
M/S. AGRAWAL MOBILE GALLERY
THROUGH ITS PROPRIETOR DASHRATH AGRAWAL

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Advocate for Applicant : Mr. Suniket Anil Kulkarni
Advocate for Respondent : Mr. R.N. Chavan h/f. Mr. V.A. Bagdiya

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CORAM : R. M. JOSHI, J.
DATE : 7th JULY, 2023

PER COURT :

. Heard.

2. Applicant is seeking condonation of delay of 120 days caused in filing appeal against the order of acquittal dated 29.09.2022 passed by learned J.M.F.C., Dhule in S.C.C. No.2554 of 2017.

3. Perusal of application shows that applicant has undergone heart transplant. The said contention is duly supported by the documents placed on record.

4. Learned counsel for respondent vehemently opposed application.

5. Considering the reasons mentioned for condonation of delay, it cannot be said that there was any deliberate act on the part of applicant for not preferring the appeal in time. The delay deserves to be condoned. Hence following order:

ORDER

- (i) Application is allowed in terms of prayer clause 'A' and 'B'.
- (ii) Application for leave to Appeal be registered.

[R. M. JOSHI]
JUDGE

GGP