

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

**CRIMINAL APPLICATION NO.1872 OF 2023
IN REVNST/4910/2023**

**SATISH S/O POTANNA KARADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicant : Mr. A. R. Lukhe h/f Mr. A. S. Shelke
APP for Respondent No.1: Mr. Y. G. Gujarathi
...

CORAM : S. G. MEHARE, J.

DATE : 26.07.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.PP for the respondent State.
2. The respondent Nos. 2 to 12 are served but they did not appear hence the matter proceeded ex-parte against them.
3. The present applicant has filed appeal against the acquittal. However, neither the applicant nor his counsel attended the appeal. Hence, the learned District and Sessions Judge, Biloli dismissed the appeal for default.
4. The learned counsel for the applicant would submit that the

applicant was out of the country and could not contact his lawyer; hence, he could not attend the appeal. There was no deliberate delay in preferring the revision against the impugned order.

4. The learned A.P.P. would submit that the reasons mentioned in the application for delay are not genuine.

5. Perused the application. Reasons for delay appear plausible. It appears that the delay is not inordinate. Hence, the following order :-

ORDER

- (i) The application is allowed.
- (ii) The delay caused in filing the Criminal Revision Application stands condoned.
- (iii) The registry is directed to register the revision application.
- (iv) The learned A.P.P. waives service of notice in revision application.
- (v) Fresh notices be issued to respondent No.2 to 12, returnable on 25th August, 2023.

Place the matter on 25th August, 2023.

(S. G. MEHARE)
JUDGE