

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2487 OF 2023
IN APEALST/6917/2023

BALU HANUMANT DHABEKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
WITH APEAL/392/2023
WITH APEAL/370/2023
WITH APEAL/380/2023
WITH APPLN/1670/2023 IN APEAL/380/2023

...
Advocate for Applicant in APPLN/2487/2023 and APPEAL No.380/2023 :
Mr. Deshmukh Vivekanand B.
Advocate for Appellant in APPEAL No.392 of 2023 and 370 of 2023 : Mr. D.
A. Bide and Mr. Shaikh Layak S.
APP for Respondent No.1 – State : S. J. Salgare

...
CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.

DATE : 30th October, 2023.

ORDER :-

. Learned Advocate Mr. L. S. Shaikh submits that he is appearing for respondent Nos.2, 5, 6, 7, 8, 10, 12 and 15. He may file Vakalatnama within a period of two weeks.

2. Criminal Application No.2487 of 2023 has been filed for condonation of delay of 79 days in filing Criminal Appeal under Section 372 of the Code of Criminal Procedure by the informant – victim, as defined under Section

2(wa) of the Code of Criminal Procedure.

3. Learned Advocate Mr. L. S. Shaikh appearing for respondent Nos.2, 5, 6, 7, 8, 10, 12 and 15 submits that he has not received the copy of the application, however, it is to be noted that the only reason that has been given is that the informant is waiting for the State to file the appeal and as the State has not taken steps, after waiting for 79 days, he has filed the appeal. Only for this purpose, it is not necessary that the copy should be directed to be given. We find that the reason given in paragraph No.2 of the application is convincing and, therefore, the delay stands condoned.

4. Criminal Application No.2487/2023 stands allowed and disposed of.

5. Registry to verify and register the appeal.

6. Place the matter i.e. Criminal Appeal under Section 372 of the Code of Criminal Procedure and under Section 11 of Probation of Offenders Act, 1958, for admission on 11.12.2023.

7. Office to give copy of the paper-book to the Advocate for the respondents – accused.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm