

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

**CRIMINAL APPLICATION NO. 2623 OF 2023 IN
ALP (ST.) NO. 7284 OF 2023**

Shivaji Sambhaji Bodke

Applicant

Versus

Jivan Ramesh Khadse

Respondent

Mr. Taher Ali Quadri, advocate for the Applicant

Mr. P. G. Gunale, advocate for the Respondent

**CORAM : SANDIPKUMAR C. MORE, J.
DATE : 27th SEPTEMBER, 2023.**

P.C. :

Heard rival submissions.

The applicant i.e. original complainant is seeking condonation of delay of 40 days in filing the application for leave to appeal.

It appears that the delay is caused since the applicant was residing in remote area and he was also not having sufficient funds.

Learned Counsel for the respondent-accused strongly opposed the application on the ground that no reasonable cause is mentioned.

Admittedly, the cause mentioned for the aforesaid delay is not proper, however, considering the principle of natural justice, one opportunity needs to be given to the applicant. The inconvenience caused to the respondent can be compensated by awarding suitable costs.

Hence, the following order:

- (i) Criminal Application is hereby allowed and the delay of 40 days stands condoned subject to cost of Rs.500/- (Rs. Five hundred) to be paid by the applicant to respondent within the period of 07 days.
- (ii) After deposit of cost and removal of office objections, if any, the application for leave to file appeal be registered.
- (iii) Criminal Application is accordingly disposed of.

SANDIPKUMAR C. MORE
JUDGE

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