

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3015 OF 2022
IN ALSST/8287/2022

THE SUB INSPECTOR, RAILWAY PROTECTION FORCE, BHUSAWALLOCO
VERSUS
INDRABHAN DADABHAI THAKUR

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Advocate for Applicant : Adv. Madhur Golegaonkar h/f Mr. Talhar Ajay G.
Advocate for Respondent : Adv. P.S. Koshti h/f Mr. Anjanwatikar Vinay
Bhalcandra.

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CORAM : KISHORE C. SANT, J.

DATE : 22nd FEBRUARY 2023.

Per Court :

Heard.

1. This is an application seeking condonation of delay of 100 days that is caused in filing application seeking leave to file appeal against acquittal, challenging judgment and order of acquittal passed by the learned Judicial Magistrate First Class, (Railway), Bhusawal, Dist. Jalgaon dated 24.01.2022 in Regular Criminal Case No.90/2016.
2. The reason assigned is that the certain procedure is required to be followed for sending proposal and approval to file application

challenging the said order. At the relevant time even the panel of advocates that was earlier in existence and now the matters are came to the office of the Counsel of Union of India, this also contributed in the delay. The delay is not deliberate and intentional, but is caused only because of the procedural aspect. The learned Advocate therefore prays for condonation of delay.

3. The learned Advocate for the respondent vehemently opposed the application stating that there is no sufficient cause shown in the application. He has even filed an affidavit in reply. He submits that there is nothing on record to show as to what prevented the applicant from approaching this Court in limitation.

4. Looking at the reasons assigned in the application and looking at the facts that the delay is only of 100 days, this Court finds that the delay needs to be condoned. Hence, the application stands allowed and the delay is condoned. Office to register the application (ALS).

5. With this, the Criminal Application is disposed off.

[KISHORE C. SANT, J.]