

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

918 CRIMINAL APPLICATION NO.2483 OF 2018

SHAIKH SHAUKAT S/O SHAIKH GAFFAR
VERSUS
SHAIKH MUKRAM S/O SHAIKH KHAJAMIYA AND OTHERS

...
None present for Applicant.
Mr.A.M. Phule, A.P.P. for Resp. No.3 - State.
...

**CORAM: SMT. VIBHA KANKANWADI AND
Y.G. KHOBRADE, JJ.**

DATE : 19th APRIL, 2023

ORDER :

1. It appears that Criminal Application No.2483 of 2018 has been preferred by the original informant for condonation of delay of 1773 days caused in filing application for leave to appeal by private party. If we consider the main application, it is tried to be said that it is application under Section 378(4) of the Code of Criminal Procedure, however, in fact Proviso to Section 372 of the Code of Criminal Procedure came into effect from 31st December 2009 and the original informant intended to challenge the acquittal of original accused Nos.2 and 3 in Sessions Case No.95 of 2012 by the learned Additional Sessions Judge,

Ambajogai on 22nd August 2013, it ought to have been filed taking the recourse to Section 372 of the Code of Criminal Procedure.

2. Today, learned Advocate for the applicant is absent. What we could find from the record is that since the date of filing the application, it was not even got circulated. That means the original informant is not interested in either getting the delay condoned or seeking leave to appeal. Hence the Application stands dismissed.

[Y.G. KHOBRAGADE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/APR23