

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

**29 CRIMINAL APPLICATION NO.3176 OF 2019
IN APEALST/976/2019**

**BUDHO DEVRAM DHULKAR (BHIL)
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Ms. Pallavi P. Wangikar, Advocate h/f Mr. R. V. Gore, Advocate
for the applicant

Mrs. D. S. Jape, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 07th FEBRUARY, 2023

P. C.

1. Though the respondents are served, office report shows that respondents are not served, but the applicant has filed an affidavit of service showing that respondents are served. Report is accepted. The respondents are treated to have been served.

2. This is an application for condonation of 403 days delay i.e. caused in filing the criminal appeal.

3. From the reasons it is seen that the applicant under misconception had earlier filed a writ petition challenging the order impugned in the appeal. However, it was later on realized

(2)

criapln3176.19

by the advocate that an appeal under Section 14-A of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act would lie and sought permission to withdraw the writ petition on 20-09-2019. It is thereafter, immediately this application is filed on 13-09-2019. There appears to be sufficient reason to condone the delay. Hence, the delay of 403 days stands condoned. The application stands allowed.

4. Office to register the appeal.

[KISHORE C. SANT, J.]

VishalK/criapln3176.19