

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3842 OF 2023 IN
CRIMINAL APPEAL ST. NO. 10754 OF 2023

Madhukar @ Mdan s/o Balasaheb Dugane
& others

Applicants

Versus

The State of Maharashtra & another

Respondents

Mr. P. P. More, Advocate for the applicants.

Mr. S. P. Sonpawale, APP for the State.

Mr. K. R. Yadav, Advocate holding for Mr. A. A. Lomte, Advocate
(appointed) for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 6th NOVEMBER, 2023.

PER COURT :

1. This is an application for condonation of delay in filing appeal against order dated 25th March, 2022, passed by the Special Court in Special Case No. 68/2014 rejecting application for discharge filed by appellant/accused.

2. Record indicates that initially criminal writ petition was filed challenging the said order. In view of provisions of Section 14A of the Scheduled Caste and Scheduled Tribes (Prevention of

Atrocities) Act, the said petition is converted into appeal and hence, delay of 198 days is said to have been caused in filing this appeal.

3. Learned counsel for applicants submits that there is no intentional delay in filing appeal belatedly and hence delay be condoned.

4. Learned APP and learned counsel for informant opposed the application.

5. Delay of 198 days deserves to be condoned as appellants are within their right to challenge the order of rejection of discharge. Hence, delay stands condoned. Appeal be registered. However, considering the delay, he is directed to deposit cost of Rs. 1,000/- in the Trial Court within a period of two weeks from today. Trial Court to allow the informant to withdraw said amount.

(R. M. JOSHI)
Judge

dyb

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BENCH AT AURANGABAD

CRIMINAL APPEAL ST. NO. 10754 OF 2003

Madhukar @ Mdan s/o Balasaheb Dugane
& others

Appellants

Versus

The State of Maharashtra & another

Respondents

Mr. P. P. More, Advocate for the appellants

Mr. S. P. Sonpawale, APP for the State.

Mr. K. R. Yadav, Advocate holding for Mr. A. A. Lomte, Advocate
(appointed) for respondent No. 2.

CORAM : R. M. JOSHI, J.

DATE : 6th NOVEMBER, 2023.

PER COURT :

1. Issue notice to respondents returnable on 5th December, 2023.

Learned APP waives service of notice on behalf of the State.

2. Private service allowed.

(R. M. JOSHI)
Judge

dyb