

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

**33 CRIMINAL APPLICATION NO.4453 OF 2022
IN ALPST/12392/2022**

**GOPAL RAGHU DAHIBHATE
VERSUS
BHARAT GOPAL DAHIBHATE AND OTHER 2**

Mr. Sushant V. Dixit, Advocate for the applicant
Mr. N. C. Garud, Advocate for respondent Nos. 1 and 2
Mrs. P. V. Diggikar, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 21st APRIL, 2023

P. C.

1. Heard the learned advocate for the parties.
2. This is an application seeking condonation of delay of 30 days that is caused in filing the application seeking leave to file an appeal against acquittal. Leave is sought to challenge the judgment and order dated 12-09-2022 passed by Learned JMFC, Ahmednagar in SCC NO. 2051/2015 whereby the respondent accused came to be acquitted of the offences punishable under Sections 323, 504, 506 read with Section 34

of the Indian Penal Code.

3. It is stated in the application that delay caused is not deliberate and intentional. The applicant could not get the certified copies in time. Since the applicant is old aged person and suffering from various ailments he could not get all the papers from the advocate who was engaged in the trial court. For this reason delay is caused.

4. Learned advocate for the respondent opposed the application saying that there has to be satisfactory reason for condonation of delay. Now there is acquittal in their favour. There fore prays for rejection of the application.

5. Considering the arguments and averments in the application this court finds that there is sufficient reason to condone the delay. Therefore, the application stands allowed. The delay stands condoned.

(3)

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6. Office to register the application seeking leave to file an appeal against acquittal.

[KISHORE C. SANT, J.]

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