

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

***CRIMINAL INTERIM APPLICATION NO.1160 OF 2023
IN
CRIMINAL APPEAL (ST) NO.5940 OF 2023***

Punjab National Bank

...Applicant-Appellant

Versus

Deputy Director, Directorate of Enforcement

4th floor, Kaiser-I-Hind, Currimbhoy Road, Ballard Estate,

Mumbai 400 001 & Anr.

...Respondents

Mr. Girish Kulkarni, Senior Advocate a/w. Mr. Lalan Gupta, Mr. Aditya Malhotra, Mr. Anuj Loya i/b Shardul Amarchan Mangaldas & Co. for Appellant in Appeal St No.5940/2023.

Mr. Hiten S. Venegavkar a/w. Mr. Ayush Kedia for Respondent No.1.

Mrs. B. P. Shinde, APP for the Respondent No.2-State.

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATE : 13 APRIL 2023 .

P.C. :

1. Not on board. Taken on board.

2. By this application, the applicant seeks condonation of delay of 59 days caused in filing the appeal.

3. Perused the papers. Section 17 of the Fugitive Economic Offenders Act reads thus:

"(1) An appeal shall lie from any judgment or order, not being an interlocutory order, of a Special Court to the High Court both on facts and on law.

(2) Every appeal under this section shall be preferred within a period of thirty days from the date of the judgment or order appealed from: Provided that the High Court may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days:

Provided further that no appeal shall be entertained after the expiry of period of ninety days."

4. Admittedly, the appellant has not filed the appeal within 30 days but has filed the appeal within 90 days. As far as the first proviso to section 17(2) is concerned, the Court is required to satisfy itself whether there was any sufficient cause for not preferring the appeal within a period of 30 days.

5. We have perused the application and are satisfied that the applicant has disclosed sufficient cause for not preferring the appeal within the period of 30 days. Hence we allow the application and condone delay of 59 days caused in filing the appeal.

6. The application is accordingly disposed of.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.