

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

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**CRIMINAL APPLICATION NO. 325 OF 2018
IN
CRIMINAL APPLICATION (LEAVE TO APPEAL) NO. OF 2018**

M/s. Pidilite Industries Limited ... Applicant

Versus

The State of Maharashtra and Anr. ... Respondents

Mr.Durgaprasad Poojari i/b. PDS Legal, Advocate for the Applicant.

Mr.Y.Y.Dabke, APP for the Respondent No.1 – State.

Mr.Rajendra Sorankar, Advocate for Respondent No.2.

CORAM : S. M. MODAK, J.

DATED : 3rd JANUARY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned Advocate for the Respondent No.2 – Accused. The Respondent-Accused is acquitted by the Court of Metropolitan Magistrate, 16th Court, Ballard Pier, Mumbai vide judgment dated 1st February, 2018. There is a delay of 23 days' in preferring an Appeal. Though Respondent-Accused is not served of this Application, his learned Advocate has argued the matter on the basis of record available with him.

2. Learned Advocate for the Applicant to give him copy of the Application. Respondent's Advocate pointed out to me that the Complaint was dismissed on various grounds including not proving authorization by the Complainant. Even, he submitted that there is no satisfactory authorization annexed to the main Appeal.

3. Learned Advocate for the Applicant pointed out to me the copy of board resolution dated 24th May, 2018 and authorization letter. I think these documents are sufficient to decide the delay condonation application and Respondent-Accused is at liberty to take this objection when main Appeal will be heard.

4. For the reason mentioned in the Application, the delay is condoned and Application is allowed in terms of prayer clause (a).

5. Accordingly, the delay condonation application is disposed of.

Unnumbered Criminal Application (Leave to Appeal)

6. Heard learned Advocate for the Appellant. Copy of this Application is also served on Respondent-Accused. Learned APP waives notice. This Appeal be fixed for hearing on 7th February, 2023 for admission on the point of leave to prefer an Appeal. Respondent-Accused is at liberty to file reply also.

(S. M. MODAK, J.)