

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPPA) NO.50 OF 2023

IN

CRIMINAL APPEAL (ST) NO.379 OF 2023

[Darshan Subhash Nandagawali ..V/s.. State of Maharashtra.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri S. V. Sirpurkar, Advocate for the Applicant/Appellant.
Shri M. J. Khan, Addl. P. P. for the Respondent/State.

CORAM : VINAY JOSHI AND VALMIKI SA MENEZES, JJ.

DATE : 17th JANUARY, 2023.

. Heard.

2. This is an application under Section 5 of the Limitation Act, seeking condonation of delay of 35 days caused in challenging the order of Special Court about extension of period of investigation, in terms of Section 21(2)(b) of the Maharashtra Control of Organized Crime Act, 1999 ("the MCOC Act").

3. The Applicant/Appellant (accused) is in jail. The learned Additional Public Prosecutor for Respondent/State has fairly given no objection for condonation of delay.

4. In view of above, for the reasons stated in the application for condonation of delay, the application is allowed and disposed of.

5. Criminal appeal be registered and numbered accordingly.

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6. Heard.

7. The Appellant is arrested for the offences under the provisions of the Indian Penal Code as well as under the provisions of Maharashtra Control of Organized Crime Act, 1999, have been

invoked. The Special Court has extended the period for investigation vide its order dated 07.11.2022, which is the subject matter of challenge in this appeal filed under Section 12 of the MCOC Act.

8. Shri Sirpurkar, learned Counsel for the Appellant would submit that the order under challenge is of extension of investigation period of 60 days. However, in the meantime, now the Special Court has again extended the period of investigation for next 30 days by order dated 07.01.2023, which also he desires to challenge, for which he seeks leave.

9. Leave granted as prayed for. Amendment be carried out within one week from today. Stand over after two weeks. Shri Khan, learned Additional Public Prosecutor, waives notice on behalf of Respondent/State.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)

TAMBE