

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

...
CRIMINAL APPLICATION (APPP) NO. 220/2021
IN
CRIMINAL APPA NO. 299/2020

Natthu Shivram Dahule

.. Applicant

versus

Sunil Damodhar Potdukhe and another

.. Respondents

.....
Mr. Arjun Deshmukh Adv.h/for Mr.Rajnish Vyas, Advocate for the
applicant
.....

CORAM: ANIL L. PANSARE, J.

DATED : 22nd February, 2023.

PC:

Heard the learned counsel for the applicant.

My attention is drawn to the order dated 25.11.2022, by which the appellant/applicant was permitted to serve notice upon the respondents by way of private mode in addition to regular mode of service. The applicant has filed the affidavit of service. In fact, on 23.12.2022 Advocate Riyaz Khan appeared for respondent nos.1 and 2 and sought time. He, however, has not filed *vakalatnama* till today. The fact remains that the respondent nos.1 and 2 have been served. It appears that inadvertently on 24.01.2023 fresh notice came to be issued against Respondent nos.1 & 2. As such, the Respondents nos.1 and 2 are treated to be served. Today none appears for them.

By present application, the applicant is seeking condonation of delay of 145 days in filing the Appeal against acquittal order dated 14.01.2020 in SCC No.1151/2010. The learned counsel for applicant submits that the delay has occurred because of Covid 19 pandemic prevailed at the relevant time.

In view of the above and for the reasons stated in the application, the application is allowed. The delay of 145 days caused in filing the Appeal is hereby condoned. The Appeal be registered.

CRI.APPA No. 299/2020

Issue notice to Respondents, returnable on 8th March,2023.

[ANIL L. PANSARE, J.]

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