

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

**CRIMINAL APPLICATION (APPP) NO.832 OF 2023 IN
CRIMINAL APPLICATION (APPA) NO.574 OF 2023 IN
CRIMINAL APPEAL NO.431 OF 2021**

(Badriprasad @ Natthilal Dayaram Satankar Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri K. Jain, Advocate h/f Ms A.S. Vinchurney, Advocate for the applicant.
Shri Khan, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 07, 2023.

Heard.

2. The application is for condonation of delay in filing the application for setting aside the order passed by this Court on 11/08/2022 and restoration of the criminal appeal.

3. As per the contention of the learned Counsel for the applicant that inadvertently he has not marked the matter wherein the conditional order was passed to remove the office objection(s).

4. Inadvertently, he has not marked the matter, and therefore, he could not remove the office objection(s).

5. Inadvertently, he has also not noticed the order passed by the Registrar(J.), and therefore, delay of 270 days is caused in preferring the appeal.

6. Said application is strongly opposed by the State on the ground that the reasons mentioned in the

application for condonation of delay is not satisfactory and hence the application deserves to be rejected.

7. Heard both the sides and perused the application.

8. The only ground raised by the appellant is that his Counsel has not inadvertently noticed the office objection(s) and conditional order was passed by the Registrar (J.). Admittedly, the appellants are not attending the proceeding at the appellate stage before this Court and depend upon their Counsel. The Counsel inadvertently has not noticed the order.

9. The delay is not intentional one. It is well settled that while considering the delay application liberal approach is to be taken and the pedantic approach is not appreciated.

10. In view of the reasons, the delay is condoned.

11. The application is disposed of accordingly.

CRIMINAL APPLICATION (APPA) NO.574 OF 2023

Heard.

2. On removal of office objection(s) within two weeks, the appeal be restored at its original stage. On failure to remove the office objection(s), the earlier order passed by the Registrar (J.) will survive.

3. The application is disposed of.

4. In the meantime, the execution of the sentence is suspended and the appellant is released on

bail on executing P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount.

5. The application is disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*