



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.580 OF 2024 IN
CRIMINAL APPEAL (ST.) NO.1478 OF 2024

Shaikh Umer s/o Shaikh Habib

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....
Mr. Z.H. Farooqui, Advocate for applicant
Mrs. V.S. Choudhari, A.P.P. for respondents.
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 5th FEBRUARY, 2024

ORDER :

This is an application for condonation of delay in preferring the appeal under Section 21 of the National Investigation Agency Act, 2008.

2. Issue notice to respondents returnable on 20th February 2024. Learned A.P.P. waives service for respondents.

3. The delay is reported to be of 82 days. We have heard the learned counsel for the applicant and learned A.P.P. for both the respondents. We have perused Section 21 of the National

Investigating Agency Act. The learned counsel for the applicant relies on the judgment of this Court in case of **Faizal Hasamali Mirza Vs. State of Maharashtra & anr. (2023 SCC OnLine Bom 1936)**, wherein the aforesaid Section 21 has been considered in detail.

4. In view of the reasons stated in the application and the observations made in the aforementioned judgment, we proceed to pass the following order :

ORDER

- (i) The Criminal Application is allowed. Delay condoned.
- (ii) The Criminal Appeal is admitted.
- (iii) Learned A.P.P. waives service for both the respondents.
- (iv) List the Criminal Appeal for final hearing on 20th February 2024.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-