



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 3723 OF 2023
IN ALPST/10337/2023**

KUKADI SAHAKARI SAKHAR KARKHANA LTD. PIMPALGAON
PISA, THROUGH PRAMOD VITTHAL PAWAR

VERSUS

YOGESH SUBHASH BORUDE

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Advocate for Applicant : Mr. Shaikh Sohail Subhedar h/f. Mr.
Nilesh S. Ghanekar.

Advocate for Respondent : Mr. Devdatt P. Palodkar

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 2nd APRIL, 2024

PER COURT :

1. This is an application for condonation of delay of 67 days caused in filing the application for leave to file appeal by private party.

2. Learned counsel for applicant submitted that, applicant is a registered sugar factory. That, there was no proper communication with legal advisor. Leave application ought to have been filed within time, but for want of proper communication, delay has occurred and same is unintentional. There is a good case in appeal and therefore, in the interest of fair opportunity, delay so caused is sought to be condoned.

3. Learned Advocate for respondent strongly objected on the ground that delay has not been properly explained and therefore delay cannot be condoned.

4. After hearing both sides and after considering the contents raised in the application, delay so caused is condoned. The application stands allowed and disposed of.

5. Registry to verify and to take further steps.

6. Issue notice to the respondent in application for leave to appeal by private party.

7. Learned Advocate Mr. Devdatt P. Palodkar waives notice on behalf of respondent.

8. Stand over to 30.04.2024.

(ABHAY S. WAGHWASE, J.)