



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CRIMINAL APPLICATION NO.3329 OF 2024
IN APPLN/2023/2022

NAGESH RAMDAS GULEWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. A. D. Raut h/f Mr. S. A. Deshmukh, Advocate for Applicant.
Mrs. P. R. Bharaswadkar, APP for Respondent No.1 – State.

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**CORAM : SMT. VIBHA KANKANWADI &
ABHAY S. WAGHWASE, JJ.**

DATE : 27 AUGUST, 2024.

ORDER :-

. Present application has been filed for condoning the delay of 102 days caused in filing application for restoration of Criminal Application No.2023 of 2022 by recalling order dated 29.02.2024 passed by this Court.

2. The original application was filed under Section 482 of the Code of Criminal Procedure for quashment of the FIR. On the first day itself it appears that leave was granted to amend the petition in view of filing of the charge-sheet. That order came to be passed on 27.10.2023. In spite of giving many chances, it

appears that the amendment was not carried out. Ultimately, conditional order came to be passed and even during the period that was extended, the said amendment has not been made and, therefore, the said application came to be dismissed.

3. Learned APP waives notice for respondent No.1 – State. Here, it is not even necessary to issue notice to respondent No.2, as in the original application also the notice was not issued to respondent No.2.

4. It is stated by the applicant that due to exam schedule of the applicant and some unavoidable circumstance, he could not carry out the amendment. Taking lenient view, we condone the delay, however, we impose cost of Rs.5,000/- to the applicant to be deposited within a period of two weeks from today. After the deposit of the amount, the original application be restored to its file.

5. Amendment to be carried out and the copy of the charge-sheet be produced on record on or before 04.10.2024.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm