

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.356 OF 2024
IN
CRIMINAL APPEAL STAMP NO.2138 OF 2024**

Faiz Shakeel Bhiwandiwalla .. Appellant
vs.
The State of Maharashtra .. Respondent

Mr. Vivek B. Pandey with Shyam K. Tripathi for the Appellant.
Mrs. A.A. Takalkar APP for the Respondent-State.
Mr. Satish Gadhave, ACP, Kalachowky. Mumbai present.

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 15th FEBRUARY, 2024

P. C.:-

- 1) This is an Application for condonation of delay of 5 days (*sic* 173 days) in preferring the present Appeal.
- 2) Mr. Pandey, learned Advocate for the Applicant submitted that, though in the Application the delay of 173 days in filing present Appeal is mentioned, as a matter of fact the Applicant had impugned present Order before the learned Single Judge being Bail Application No.2168 of 2023 on 25th July 2023 and the same was withdrawn with liberty to file present Appeal on 9th January 2024. In the said process the delay of 168 days has caused. He submitted that after taking benefit of Section 14 of the

Limitation Act, the actual delay is of 5 days only.

- 3) Record indicates that the submissions of learned Advocate for the Applicant are correct.
- 4) Perusal of the record indicates that sufficient cause is made out for condonation of delay of said 5 days.
- 5) In view thereof the delay is condoned and Application is allowed in terms of prayer Clauses (a) and (b).

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)