

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

**INTERIM APPLICATION NO. 2427 OF 2024
IN
CRIMINAL APPEAL (STAMP) NO. 13092 OF 2024**

Bank of Maharashtra .. Applicant

Versus

The State of Maharashtra and Ors. .. Respondents

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Mr. Subir Kumar a/w Valenetine Mascarenhas and Mr. Abhinav Palsikar i/b SDS Advocates, for the Applicant- (BOM).

Mr. Aditya G. and Vinayak Garje and Amir Qureshi, for Respondent No. 3.

Ms Rebecca Gonsalves, Spl.P.P. a/w Mr. D. J. Haldankar, APP, for Respondent Nos. 1 and 2.

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**CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 8th AUGUST, 2024**

P.C:-

1. Heard the learned counsel for the Applicant in support of the Application seeking condonation of delay of 188 days in filing the Appeal being aggrieved by the order dated 03.12.2022 passed by the Sessions Court. The Appeal under Section 11 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 is filed admittedly beyond 60 days and the Application has set out the reasons for the delay.

2. On hearing the learned counsel for the Applicant and perusal of the Application it is apparent that, the Appeal ought to have been filed on 01.02.2023, but the Applicant initially filed the Civil Writ Petition on 07.08.2023 and, thereafter by withdrawing the same, instituted a Criminal Writ Petition on 22.01.2024, and since the proceedings were not maintainable, has filed the present Appeal on 22.06.2024.

Though Ms Gonsalves raised serious objection that even the first proceedings in form of the Civil Writ Petition was filed after a delay since we have noticed that the delay is not mala fide and it is the claim of the Applicant that he was prosecuting wrong remedy and in any case the procedural obstacle will not prevent the matter being heard on merit, we are inclined to allow the Interim Application.

Interim Application is allowed by condoning the delay of 188 days in filing the Appeal. The Appeal is directed to be registered.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)