

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

**INTERIM APPLICATION NO. 2662 OF 2024
IN
CRIMINAL APPEAL (STAMP) NO.14328 OF 2024**

Ashok Devram Vadigopula .. Applicant

In the matter between:

Ashok Devram Vadigopula .. Appellant

Versus

The State of Maharashtra .. Respondent

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Ms Deepali Bagla i/b Bagla & Associates, for the
Applicant/Appellant.

Mr. Y. M. Nakhawa, APP, for the Respondent – State.

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

P.C:-

1. The Applicant has filed the present Application seeking condonation of delay of 468 days caused in filing the aforesaid Criminal Appeal. The Applicant is original accused No. 8 in the MPID case No. 8 of 2012.

The Applicant has approached this Court by filing the aforesaid Appeal for quashing and setting aside of the common order passed by the Special Court at Greater Bombay, in

Special Case No. 08 of 2012 alongwith Special Case No. 26 of 2013, wherein common order has been passed in Miscellaneous Application Nos. 60 of 2014, 61 of 2014, 104 of 2014, 132 of 2014 dated 31.12.2014, by rejecting the application for discharge filed by the Applicant.

The impugned order was passed on 31.12.2014 and the certified copy of the same was received on 08.01.2015. Thereafter, the Applicant had approached this Court by filing Criminal Revision Application No. 163 of 2015, however, the Applicant has withdrawn the said application on 06.03.2023, with liberty to file the present Appeal. According to the Applicant, he had requested his erstwhile Advocate to file appropriate legal proceedings for challenging the order dated 31.12.2014, however, due to certain misunderstanding and miscommunication, the said Advocate informed the Applicant in August, 2023 that, he has not filed any proceedings in this Court on behalf of the Applicant.

Thereafter, the Applicant searched for appropriate Advocate to entrust his case with the help of family and friends. The Applicant ultimately could entrust his file to represent him to the present Advocate in the month of November, 2023. The papers entrusted by him to the present Advocate were misplaced by him due to shifting of his office, therefore, there was a further delay. The papers of the applicant could be located in January, 2024 and, thereafter, the steps were taken for filing the present Appeal.

According to the Applicant, the delay is inadvertent and unintentional. Though, the Applicant was following up the matter diligently, because of misunderstanding with the

Advocate he could not take timely steps. Therefore, the Applicant has requested to condone the delay in the interest of justice.

2. We have heard the learned counsel for the Applicant and the learned APP for the State.

After going through the contents of the Application, we are satisfied that the delay caused in filing the present Appeal is not intentional, and in spite of the diligence by the Applicant, there has been a delay on account of certain circumstances which were beyond his control. In view of the satisfactory explanation given by the Applicant, the delay of 468 days caused in filing the criminal Appeal is hereby condoned.

Accordingly, the Interim Application is disposed off.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)