

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL (ST) NO.20959 OF 2024
ALONGWITH**

INTERIM APPLICATION NO.4059 OF 2024

IN

CRIMINAL APPEAL (ST) NO.20959 OF 2024

Mechineni Vijaya w/o Shrinivasa Rao] .. Appellant

vs.

State of Maharashtra & Ors.] .. Respondents

Mr.Nikhil Adkine for the Appellant.

Mr.D.J. Haldankar, APP for the State.

**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ**

DATE : 4th DECEMBER, 2024.

P.C.

1. In the Appeal filed by the Appellant raising challenge to the order dated 18/09/2023 passed by the Special Judge, MPID, City Civil & Sessions Court, Greater Mumbai, below Exhibit 1 in Miscellaneous Application No.1218/2023 in MPID Special Case No.1/2014, Interim Application No.4059/2024 is taken out seeking condonation of delay of 291 days in filing of the Appeal.

2. We have heard the learned counsel for the Applicant and perused the Application.

It is the specific contention of the Appellant/Applicant that she was not a party to the proceedings and was not arraigned as accused in this crime and was thus unaware of such proceedings.

It is only when the Auction Purchaser approached the Revenue Authority at Telangana in the month of July 2024, she gained knowledge about passing of the impugned order and since she did not hold any of the document in her possession, she could not challenge the same immediately.

3. Accepting the bonafides of the grounds which are set out in the Application seeking condonation of delay and since we find it not actuated with any malice and if the delay is not condoned, valuable right of filing Appeal against the impugned order shall be lost to the Appellant, we make the Interim Application absolute in terms of prayer clause (a) and (b).

Pursuant thereto, the Registry is directed to register the Appeal , which is permitted to be circulated after Christmas Vacation.

4. The learned counsel for the Appellant also seek liberty to place on record an additional Affidavit in support of the appeal that is filed and we permit the same and direct the Registry to accept it if filed before the next returnable date.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)