



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPA) NO.122 OF 2024
IN
CRIMINAL APPEAL STAMP NO.771 OF 2024

Sanjay Ramdas Bodhke and others

Vs.

State of Maharashtra, Through the Deputy Superintendent of Police Anti
Corruption Bureau, Akola, District Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. M. Ghare, Advocate for applicant/appellant.
Mrs. M. A. Barabde, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/02/2024

1. Leave is granted to the applicant to correct the title cause of the application.
2. By preferring this appeal, the applicant has challenged the impugned orders by which the property of the applicant is attached by the Anti Corruption Bureau. However, 48 days delay is caused in preferring the appeal. Learned Counsel Mr. Ghare, for the appellant submitted that post passing of the order of the rejection of the application for release the property, the applicant sought legal advise regarding the remedy available and obtained the necessary documents wherein the time was consumed and therefore, he could not prefer an appeal within time. There is justifiable and reasonable cause for condonation of delay and delay is not intentional one.

3. Learned APP strongly opposed the application on the ground that the delay is not satisfactorily explained.

4. Heard learned Counsel for the applicant and learned APP for the State. Perused the application, it reveals that after rejection of the application, the applicant has obtained the necessary documents, wherein the time consumed thereafter, there was Diwali Vacation and therefore, he could not prefer an appeal. It is well settled that while considering the delay application, the liberal approach is appreciated and not the pedantic approach. Considering the reason mentioned in the application, the delay is satisfactorily explained. In view of that, the delay deserves to be condoned. Accordingly, I proceed to pass following order.

ORDER

(i) Criminal application No.122/2024 is allowed.

(ii) Criminal Appeal be registered.

CRIMINAL APPEAL NO. _____ OF 2024

Learned APP waives notice for State and seeks time to file reply.

Stand over after two weeks.

(URMILA JOSHI-PHALKE, J.)