



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.532 OF 2023

IN

CRIMINAL APPEAL (ST.) NO.3341 OF 2023

(Sai Shubham Enterprises Vs. Nusreenbanu w/o Mohhamad Iqbal Gafuli)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms M. Agrawal, Advocate h/f Mr. N.R. Tekade, Advocate for the appellant.
Mr. N. Valesha, Advocate h/f Mr. A. Parchure, Advocate for the respondent.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- SEPTEMBER 23, 2024

By this application, the appellant is seeking condonation of delay which is caused in preferring the application for leave to file appeal along with the appeal against acquittal.

2. Learned Counsel for the appellant submitted that as the applicant was suffering from fever, he could not contact with his Counsel, and therefore, there is 22 days delay is caused in filing the application for leave to file appeal.

3. Learned Counsel for the respondent strongly opposed the application on the ground that the delay is not properly explained.

4. Heard learned Counsel for the parties. Perused the application and the documents filed on record. The contention of the learned Counsel for the appellant is substantiated by the medical certificate. As far

as delay of 22 days is concerned which is properly explained by the appellant. There is sufficient and reasonable cause for condonation of delay.

5. In view of that, the application is allowed and the delay of 22 days is hereby condoned.

6. The application for leave to file appeal be registered.

7. Issue notice to the respondent, returnable after two weeks.

8. Learned APP waives notice for the State.

(URMILA JOSHI-PHALKE, J.)

**Divya*