



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

CRIMINAL APPLICATION (APPA) NO. 571 OF 2021
IN
CRIMINAL APPEAL NO. _____ OF 2021

Sandesh Shyamnath Vailkar Vs Prashant Nararyanrao Sangole

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

Court's or Judge's Order

Mr. Vijaykumar Paliwal, counsel for applicant/appellant.

Mr. N.G. Tikar, counsel for respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/07/2024.

1. This is an application for condonation of delay.
2. Learned counsel for the applicant submitted that, appeal is filed against the acquittal but, delay of 16 days is caused in filing the appeal. In fact, there is no delay but, he submitted that applicant applied the certified copy, and after receipt of certificate copy, due to the pandemic situation, he could not file the appeal within time and therefore, delay is caused. There is satisfactory and reasonable cause for condonation of delay.
3. Learned counsel for the respondent strongly opposed the application, on the ground that delay is not properly explained.
4. I have heard learned counsel for the applicant and learned counsel for the respondent, perused the recitals in the application, which reveals that the delay is satisfactorily

explained by the applicant. It is well settled law that while considering the delay application, liberal approach is to be adopted and not the pedantic approach.

5. Considering the reasons mentioned in the application, the applicant has satisfactorily explained the delay. In view of that, application deserves to be allowed. The application is allowed and delay in filing the appeal is condoned.

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

7. Learned counsel waives service of notice on behalf of respondent.

8. After registration of the application for leave to file appeal, the matter be placed before the Court after **three weeks** for hearing.

[URMILA JOSHI-PHALKE, J.]