

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

**CRIMINAL APPLICATION (APPA) NO. 718 OF 2023
IN
CRIMINAL APPEAL (ST) NO. 5058 OF 2023**

State of Maharashtra, Thru. PSO, Jalamb (ACB Buldana), Tq. Shegaon, Dist. Buldana
Vs.

Shripad Sakharam Gore and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. M.J. Khan, APP for applicant/State.

Mr. P.S. Sadavarte, Advocate for non-applicant No.1.

CORAM : SMT. URMILA JOSHI PHALKE, J.

DATE : 03.08.2024

By preferring this appeal against the acquittal along with the delay condonation application.

2. Learned counsel for the applicant submitted that the State has applied for approval from the Law and Judiciary Department, wherein the time was consumed. Therefore, a delay of 56 days was caused. There is sufficient and reasonable cause for the condonation of delay.

3. This contention is strongly opposed by the learned counsel for the respondent on the ground

that the delay is not properly explained and the reason mentioned is not satisfactory.

4. After hearing the learned counsel for the parties, perused the application, from which it reveals that the proposal was sent on 04.05.2023 and thereafter, the approval was not communicated. Therefore, the delay of 56 days was caused.

5. Considering the reason mentioned in the application which appears to be a reasonable and just cause. It is well settled that while considering the delayed application liberal approach is to be taken. In view of that the application for delay deserves to be allowed. Delay of 56 days is hereby condoned.

Criminal Appeal (ST) No.5058/2023

The Registry to register the application for leave to file an appeal. The State has to supply a copy of the leave to file an appeal as well as the copy of the appeal memo along with the deposition copies.

2. Stand over after **two weeks**.

(SMT. URMILA JOSHI PHALKE, J)