



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

CRIMINAL APPLICATION (APPA) NO.620 OF 2024
IN
CRIMINAL APPEAL STAMP NO.5287 OF 2024

Amdal Systems through its Proprietor, Mr. T. V. Shravankumar s/o TV
Subrahmanyam

Vs.

Unitech Computers through its Proprietor, Mr. Pravin Phalke and another

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

Court's or Judge's orders

Mr. Chetan Dhore, Counsel h/f Mr. A. S. Dhore, Counsel for applicant.
Mr. Onkar Ghare, Counsel for the respondents.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/09/2024

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

2. Learned Counsel for the applicant submitted that the applicant is a partnership firm which has filed the complaint before the learned Additional Chief Judicial Magistrate, Nagpur, but the learned Additional Chief Judicial Magistrate has without appreciating the evidence dismissed the complaint and acquitted the respondent and therefore, opportunity is to be granted to the present applicant to litigate the cause on its own merits. However, delay of 34 days is caused in preferring the appeal. There is sufficient and reasonable cause for

condonation of delay as one of the partners was not well and therefore, they could not decide regarding the preferring of the appeal therefore, the delay is caused.

3. Per contra, learned Counsel for the respondents strongly opposed the said application and submitted that there are no reasonable and justifiable reasons for condonation of delay assigned by the present applicant and therefore, the application deserves to be rejected.

4. After hearing the learned Counsel for the applicant and learned Counsel for the respondents, perused the reasons mentioned in the application which appears to be reasonable and justifiable one. Moreover, it is well settled that while considering the delay condonation application, the liberal approach is to be adopted and not the pedantic approach. Considering the reason mentioned in the application, the applicant has made out a case of condonation of delay. In view of that, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The delay condonation application is allowed subject to the costs of Rs.3,000/- [Rs. Three Thousand].
- (iii) The cost be paid to the respondents within one month.

(iv) On payment of the cost, the application for leave to file appeal be registered.

5. Learned Counsel Mr. Ghare, waives notice for the respondents, on the application for leave to file an appeal.

6. It be listed for hearing on leave to file an appeal after **four weeks**.

7. The reply filed by the respondents is taken on record.

(URMILA JOSHI-PHALKE, J.)