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52.appa.1050.2023

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

CRIMINAL APPLICATION (APPA) NO.1050 OF 2023
IN
CRIMINAL APPEAL STAMP NO.7850 OF 2023

Shailendra s/o Seukram Sahu

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Saoner, District
Nagpur 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. S. N. Nandeshwar, Advocate for applicant.

Mr. A. R. Chutke, APP for respondent No.1/State.

Ms. Deepali Pranay Shahare, appointed Advocate for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/01/2024

1. The application is for condonation of delay which is caused in preferring the appeal challenging the order passed by the Special Court rejecting the application of the applicant for grant of bail under Section 439 of the Code of Criminal Procedure. As per contention of the learned Counsel for the applicant that the applicant being labour and due to the financial crises he could not approached to this Court to file appeal within time and delay of 66 days is for sufficient and reasonable cause, it be condoned.

2. Learned APP opposed the application on the ground that the application is without sufficient reason and deserves to be rejected.

3. Learned Counsel appointed for respondent No.2 endorsed the same contention.

4. On perusal of the application and considering the reason mentioned in the application, the applicant has properly explained the delay as due to the financial crises, he could not approach to his Court. It is well settled that while considering the delay application pedantic approach is not appreciated and the application is to be considered by taking liberal approach. In view that, the application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) Delay of 66 days is condoned.
- (iii) Appeal be registered.

CRIMINAL APPEAL NO. _____ OF 2024

Stand over to 24.01.2024.

(URMILA JOSHI-PHALKE, J.)