



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 3466 OF 2024
IN ALPST/9505/2024**

Babanrao S/o Keshavrao Nikam
Age: 82 years, Occu.: Nil,
R/o. 55, Laxmi Kripa, Shripat Nagar,
Bhadgaon Road, Tq.Chalisingaon,
Dist.Jalgaon.

....Applicant

Versus

1. The State of Maharashtra
Through Mehunbare Police Station,
Tq.Chalisingaon, Dist.Jalgaon.
2. Udaysing Ramsingh Pawar (Died)
3. Dr.Murlidhar Bhimrao Patil
Age: 75 years, Occu.: Agril.
4. Shankarrao Ramrao Patil (Died)
5. Amrsing Hilal Patil (Died)
6. Shankarrao Fakira Patil (Died)
7. Kedarsing Dharma Patil (Died)
8. Pandu Supudu Patil (Died)
9. Lubhansing Narsing Rajput (Died)
10. Vilas Panditrao Patil
Age: 51 years, Occu.: Agril.
11. Raghuvir Krishnaji Hire
Age: 60 years, Occu.: Agril.
12. Nimbaji Jagannath Wani
Age: 60 years, Occu.: Agril.
13. Suresh Shripatrao Sonawane
Age: 57 years, Occu.: Agril.
14. Dilip Dharma Patil
Age : 56 years : Occu.: Agril.

15. Indrasing Udesing Pawar
Age: 55 years, Occu.: Agril.

All R/o. Warkhede (Bhu.), Tq.Chalisgaon,
Dist.Jalgaon.

....Respondents
(Original Accused)

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Advocate for Applicant : Mr. Gajanan Sambhajirao Shembole

APP for Respondent no.1 : Ms.PV. Diggikar

Advocate for Respondent nos.3, 10 to 15 : Mr Dhananjay B. Thoke
(through VC)

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 06 NOVEMBER, 2025

PRONOUNCED ON : 07 NOVEMBER, 2025

ORDER :

1. Learned counsel for the applicant undertakes to remove office objections within two weeks from today.

2. Instant application is for condonation of delay of 51 days caused in filing application for leave to file appeal by private party against the judgment and order dated 21-03-2024 passed by the learned Judicial Magistrate First Class, Chalisgaon, in RCC No.56 of 2012.

3. Learned counsel for the applicant submitted that present applicant is original complainant, who had instituted above private

complaint against present respondent nos.2 to 15 for commission of offence under Section 406 read with 34 of the Indian Penal Code (IPC). He further submitted that applicant is 82 years of age and as such he is of old age and being a private party, he is a layman and he has no knowledge about steps to be taken for filing appeal. He further pointed out that application for obtaining certified copy of judgment was submitted on 28-03-2024 and certified copy of judgment and order was received on 29-04-2024. Thereafter, again for want of knowledge, there was delay in applying for copy of entire chargesheet and as such application was pressed into service on 19-06-2024 and copy of chargesheet was received on 22-06-2024. That, judgment and order dated 21-03-2024 passed by the learned Judicial Magistrate First Class, Chalisgaon in RCC No.56 of 2012, is sought to be questioned, however, application for leave to file appeal could not be filed within stipulated period and delay of 51 days is occurred, which is for the above reasons and therefore, in the interest of justice, application for condonation of delay is urged to be allowed.

4. Learned counsel for respondent nos.3 and 10 to 15 has strongly objected by pointing out that, there is no plausible

explanation for delay. He pointed out that there is utter non-diligence on the part of the applicant in filing application for leave to file appeal. He pointed out that, applicant was very much present on the date of judgment passed by the learned trial Court and it does not lie in his mouth that he has no knowledge of passing of said judgment. Therefore, it is his submission that, there being no plausible explanation for delay, the same is not required to be condoned.

5. After considering the above submissions and after going through the papers, it seems that RCC No.56 of 2012 was filed against 14 respondents for commission of offence under Section 406 read with 34 of the IPC. Above proceedings seems to have been concluded by learned Judicial Magistrate First Class, Chalisgaon, by judgment and order dated 21-03-2024. The trial ended up in acquittal of the accused. Now, applicant / original complainant intends to file application for leave to file appeal, however, there is delay of 51 days in filing said application. Reasons for the delay are already dealt in aforesaid paragraphs. It needs to be noted that original proceedings is filed by way of a private complaint i.e. by private party. Therefore, it goes without saying that complainant is

not well-versed with the legal procedures and limitation requirements. Reasons for the delay are stated in paragraph no.2 of the application. Moreover, there is no dispute that present applicant is of octogenarian age i.e. 82 years of age. Therefore, in the interest of justice and for fair opportunity, delay of 51 days caused in filing application for leave to file appeal, is required to be condoned. Accordingly, application is allowed. Delay of 51 days caused in filing application for leave to file appeal is condoned. Applicant to remove office objections within stipulated period.

6. Registry to register application for leave to file appeal by private party, subject to deposit of costs of Rs.1,000/- as well as removal of office objections.

7. Accordingly, application is disposed of.

(ABHAY S. WAGHWASE)
JUDGE