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

44 CRIMINAL APPLICATION NO. 6596 OF 2017

APPA S/O. SAWTA BHAKARE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.....Respondent

Mr. V. B. Garud, Advocate for the applicant

Mr. G. J. Pahilwan, Advocate for the respondent Nos. 2 and 3

Mr. S. B. Jadhav, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 07th AUGUST, 2025

P. C.

1. Heard.

2. This application is filed for seeking condonation of delay of 444 days caused in filing the appeal. The application is by the victim. The advocate for the petitioner is appointed through legal aid.

3. The informant lodged the complaint against the

respondents for the offences punishable under Sections 324, 323, 504 read with section 34 of the IPC. The learned JMFC, Sonpeth by order dated 08-01-2013 held the accused guilty and awarded sentence to suffer rigorous imprisonment for six months and to pay fine of Rs.1000/- in default to suffer further rigorous imprisonment for 45 days. In an appeal by the respondents, the learned Sessions Judge, set aside the order of conviction and allowed the appeal by the impugned judgment and order dated 04-07-2016. The applicant, is thus, before this court.

4. The learned advocate Mr. Garud vehemently argued that the delay is unintentional. There is no limitation provided for filing the appeal by the victim under section 372. He relies upon the judgment in the case of Ranjana Shantilal Suryawasnsi Vs Jaiprakash Tulsiram Gupta and Anr¹.

5. The learned advocate for the respondent vehemently opposed the application. He submits that reasons assigned in the

¹ 2020 ALL MR (Cri) 2926

(3)

44CRIAPLN6596.17

application are not genuine. Even the certificate annexed to the application is also appears to be false and fabricated.

6. Considering above & the judgment in the case of Ranjana (supra) and the victim is a old aged person, this court is inclined to allow the application. Hence, the criminal application stands allowed. The delay stands condoned. Office to register the main application.

[KISHORE C. SANT, J.]

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