



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 CRIMINAL APPLICATION NO. 858 OF 2025
IN
CRIMINAL APPLICATION NO. 78 OF 2024

1. Paraji s/o. Balaji Jogdand
Age: 32 years, Occ: Labour
R/o : 542 Kathwad Galli,
Shukrawar Peth, Basmath,
Tq. Basmath, Dist. Hingoli.
2. Aruna w/o. Balaji Jogdand
Age: 52 years, Occ: Household
R/o : Kathwad Galli,
Shukrawar Peth, Basmath,
Tq. Basmath, Dist. Hingoli.
3. Balaji s/o. Sambhaji Jogdand
Age: 60 years, Occ: Labour
R/o : Kathwad Galli,
Shukrawar Peth, Basmath,
Tq. Basmath, Dist. Hingoli.
4. Jyoti w/o. Raje Hambarde
Age: 30 years, Occ: Household
R/o : Near Bodhanand Math,
Bhraman Galli, Basmath,
Dist. Hingoli
5. Bhagyashri w/o. Tukaram Jadhav
Age: 28 years, Occ: Household
R/o : Pasadgaon Tq Nanded
Dist Nanded

...Applicants

Versus

1. The State of Maharashtra,
Through Police Inspector,
Akhada Balapur Police Station
Tq. Kalamnuri, Dist. Hingoli
2. Smita w/o. Paraji Jogdand

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Age: 28 years, Occ: Household,
R/o : Shukrawar peth Basmath,
Tq. Basmath, Dist. Hingoli.
At present Kamtha, Tq. Kalamnuri
Dist. Hingoli
Mob. No.9527064483

...Respondents

...
Advocate for Applicants : Mr. Arvind G. Jadhav (absent)
APP for Respondent No.1: Mr. G.A. Kulkarni
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 9th JUNE, 2025**

PER COURT :-

1. Learned advocate for the applicants is absent. However, taking into consideration the fact that the present application is for condonation of delay of 134 days, as the applicants intend to get the order dated 29.08.2024, passed in criminal application No.78 of 2024, recalled and to restore the said application, we are dealing with the matter.

2. Record of criminal application No. 78 of 2024 is before us. It appears that on the first day of hearing to the said matter on 18.07.2024, leave was sought to amend and place the copy of charge sheet on record. Notices were not even issued. However, it appears that the amendment was not carried out, even after extending time to carry out the amendment. A conditional order therefore, was passed and the amendment has not been carried out

even during the said period that was granted. Now, there is no necessity to issue notice to respondent No.2. Learned A.P.P. waives notice for respondent No.1.

3. For explaining the delay of 134 days, it is stated that this Court had placed notice on 1.8.2024 in respect of the migration activities Module 2.0 to Module 3.0 to be carried out between 03.08.2024 to 09.08.2024. Thereafter, on 16.08.2024 again second notice was published stating that migration of E-filing Module 3.0 has been completed.

4. According to the learned advocate for the applicants, he had carried out the amendment in criminal application No. 78 of 2024 and had even supplied copy of the same to the office of the Public Prosecutor. However, due to changes made in the E filing system, amended memo could not be uploaded and thus, there was technical difficulty. We are of the opinion that reasonable ground has been shown for condoning the delay and therefore, the application stands allowed and disposed of.

5. The delay of 134 days caused in filing the application stands condoned. We recall the order dated 29.8.2024 passed in criminal application No. 78 of 2024.

6. We grant two weeks time to the applicants to carry out any technical activities which are remaining in respect of the amendment to be uploaded. Thereafter place the matter for further consideration on 04.07.2025.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

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