



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

**CRIMINAL APPLICATION NO. 1323 OF 2025
IN
CRIMINAL APPEAL STAMP NO. 3668 OF 2025**

Shivaji Eknathrao Poul and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Shri Ramankumar G. Dodya, Advocate for the Applicants.
Mrs. Ashlesha S. Deshmukh, A.P.P. for the Respondent Nos. 1 to
3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 28TH APRIL, 2025.**

FINAL ORDER :

. The applicants are seeking condonation of delay of 99 days caused in filing present criminal appeal challenging common order dated 22.04.2022 passed below Exhibit 410 and 673 in Maha PID No. 01 of 2014 by the Additional Sessions Judge No. -4 (Special Judge MPID), Aurangabad.

2. It is contended that initially applicants had filed Criminal Writ Petition No. 995 of 2022 on or about 18.07.2022 challenging self same impugned order. It was pointed out that writ petition was not tenable as there was statutory remedy of appeal, hence vide order dated 11.12.2024 petition was disposed of with a liberty to prefer appeal. Hence present appeal is filed. Time of

about two years and six months was consumed in prosecuting wrong remedy of writ petition. It cannot be said that it is intentional and it is deliberately made to gain anything. For the reasons stated in the criminal application, it is desirable to condone the delay.

3. The criminal application is allowed in terms of prayer clause 'B'. The criminal application is disposed of. Office is directed to register the criminal appeal.

[SHAILESH P. BRAHME J.]

bsb/April 25