



Vinita

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL MISC. APPLICATION NO. 74 OF 2022

IN

CRIMINAL APPEAL NO. 867 OF 2021-F.

WIBRO CONSTRUCTION COMPANY

THR ITS PROP. K. ABDULLA

....Applicant.

Vs

SHANTALA RAMDAS NAYAK

....Respondent.

Ms Vrunda Kubal, Advocate for the Applicant/Appellant.

Mr Hrudaynath S. Shirodkar, Advocate for the Respondent.

CORAM: SHREERAM V. SHIRSAT, J.

DATE: 6th October 2025

P.C.

1. Heard Ms V. Kubal, learned Counsel for the Applicant/Appellant and Mr. H Shirodkar, learned Counsel for the Respondent.

2. The present application has been filed by the Applicant seeking condonation of delay of 172 days in filing the Criminal Appeal against the Judgment and Order dated 31.05.2021 passed

by the Ld. Sessions Judge, North Goa in Criminal Appeal No. 60/2015, whereby the Respondent was acquitted.

3. The Applicant submits that the Applicant applied for the certified copy on 1.6.2021 and certified copy of the impugned judgment was received on 04.06.2021 and that due to certain unavoidable circumstances, including the Covid-19 pandemic and the Applicant's health condition, contributed to the delay in filing the appeal. The Applicant also contends that the State of Goa was severely affected by the second wave of the Covid-19 pandemic during the relevant period, leading to state-wide lockdowns and restrictions. Being a senior citizen, the Applicant was advised to remain in isolation. The Applicant further submits that he was later on infected with the virus and had to undergo prolonged medical treatment and rest, which delayed finalisation of the appeal and supporting application.

4. It is also brought to the Court's notice that the Hon'ble Supreme Court, vide order dated 08.03.2021 in *Suo Motu Writ Petition (Civil) No. 3 of 2020*, extended the period of limitation for filing cases in view of the pandemic situation. The period between 15.03.2020 and 28.2.2022 has been excluded for the purpose of

computing limitation under general and special laws, which lends support to the Applicant's claim of sufficient cause for delay.

5. The Respondent sought time to file reply and this Court vide order dated 28/7/2025 had permitted the Respondent to file reply. The Respondent filed the reply on 8.8.2025 opposing condonation of delay.

6. Though the Respondent has opposed the application, alleging malafide and delay without justification, the reasons assigned by the Applicant, coupled with the unprecedented situation created by the pandemic, in the opinion of this Court, constitute sufficient cause. The delay does not appear to be deliberate or intentional, and the Applicant has shown reasonable diligence once circumstances permitted.

7. In light of the above facts and the law laid down by the Hon'ble Supreme Court concerning limitation during the pandemic, this Court finds it just and proper to condone the delay. Accordingly, the application is allowed. Delay of 172 days in filing the appeal is condoned.

8. Application stands disposed of accordingly.

SHREERAM V. SHIRSAT, J.

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