

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2368 OF 2024**

Bharati Dinakar Telang ...Petitioner
Versus
Prasannakumar Dinakar Telang And Ors ...Respondents

Mr. Hrishikesh S. Shinde, Advocate for the Petitioner.
None for the Respondents.
Mr. S. H. Yadav, APP for the Respondent-State.

**CORAM : SHIVKUMAR DIGE, J.
DATE : 17th DECEMBER, 2025.**

P.C.

1. The challenge in this petition is the order dated 5th August 2023 passed below Exhibit 1 in Cri. M. A. No. 7 of 2021 by the learned Sessions Judge, Solapur thereby rejecting the application for condonation of delay.

2. It is contention of learned counsel for the petitioner that the petitioner preferred appeal against acquittal of respondent nos. 1 and 2. There is delay of more than 4 years for filing the appeal. The petitioner could not file appeal within time as the petitioner was residing at Pune. The delay was not intentional and requested to allow the petition.

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3. Learned APP submits that the order passed by the learned Sessions Judge is well reasoned order. No interference is required in it and requested to dismiss this Writ Petition.

4. Though respondent nos. 1 and 2 are served, they failed to appear. Hence, I am deciding this petition on merit.

5. I have heard both learned counsels, perused impugned order. The petitioner is the original complainant in criminal case filed against respondent nos. 1 and 2. Respondent nos. 1 and 2 have been acquitted from the charges levelled against them by the learned Chief Judicial Magistrate, Solapur. The petitioner, being complainant preferred appeal against the said acquittal but there is delay of 50 months. In my view, the petitioner, is the complainant, he wants to challenge the order of acquittal of respondent nos. 1 and 2. Cause of delay is that the petitioner was staying at Pune, this ground can be considered for condoning the delay.

6. In view of above, I pass following order:

ORDER

I. Writ Petition is allowed.

II. The impugned order dated 5th August 2023 passed below

Exhibit 1 in Cri. M. A. No. 7 of 2021 by the learned Sessions Judge, Solapur is hereby quashed and set aside.

III. Delay of 50 months for filing the appeal is condoned subject to payment of cost of Rs. 5,000/- payable to Maharashtra Legal Aid Services Authority.

7. Writ Petition is disposed off in above terms.

(SHIVKUMAR DIGE, J.)