

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.5131 OF 2024
IN
CRIMINAL APPEAL [STAMP] NO.25709 OF 2024**

Amol Vitthal VahileApplicant
Versus
The State of MaharashtraRespondent

Mr. Karma Vivan, Advocate a/w. Tejas Dinesh Kothalikar,
Junaid Thange for the Applicant.

Mr. S.r. Agarkar, APP for the Respondent-State.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 14th JANUARY, 2025

P.C. :

1. This is an Application for condonation of delay of one year and 295 days in filing the present Appeal. The Applicant is an accused in a case involving the offences under the Maharashtra Control of Organized Crime Act, 1999.

2. The Applicant/Appellant had preferred a discharge application which was rejected by the trial Court. That order was challenged in a separate Appeal by the Appellant before this Court vide Criminal Appeal No.627/2022. It was noticed

by the Court that the charges were already framed and it was felt necessary that the order of framing of charges was required to be challenged and not only the order rejecting the Appellant's discharge application; as submitted by learned counsel for the Appellant. Said Appeal was disposed of vide order dated 4.10.2024 on the ground that the subject matter had rendered infructuous. No specific liberty was granted to challenge the order of framing of charge. All this will have to be considered. However, in the interest of justice, delay in filing the Appeal is condoned. The question of maintainability of the Appeal in the absence of specific liberty is left open.

3. The Application is disposed of accordingly. The Appellant's counsel is at liberty to get the matter circulated.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)