



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPA) NO. 444 OF 2024

IN

CRIMINAL APPEAL ST. NO. 3607 OF 2024

SANDIP S/O VIJAY INGALE

VERSUS

SAYYAD SHAFIUDDIN @ MOHAMMAD SHAFABI PASHA S/O SAYYAD KHAJA

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A. K. Waghmare, Advocate for applicant.

CORAM : G. A. SANAP, J.

DATE : 21/01/2025.

1. Heard.

2. This is an application for condonation of delay of 83 days in filing the appeal against the order of acquittal of the respondent dated 08/11/2023 passed by the learned Judicial Magistrate, First Class, Court No.5, Gondia.

3. Despite service of the notice, the respondent has not appeared.

4. According to the applicant, the advocate also appeared before the Trial Court only handed over the copy of Judgment to the complainant. The concerned advocate did not hand over the record of the case. It is submitted that thereafter, the applicant applied for certified copy of entire record. It was received in the month of January, 2024. It is submitted that on technical ground, the non-applicant has been acquitted. The applicant has a good case on merits. It is submitted that on

account of the reasons stated in the application, the delay in filing the appeal has occurred.

5. I have gone through the Record and Proceedings. I have also perused the Judgment. The statement of fact in the application has gone unchallenged and uncontroverted. The reasons in the application for delay in filing the appeal appear to be proper. On going through the application, I do not see any reason to discard and disbelieve the same.

6. In view of the facts and circumstances, the applicant has made out a case for condonation of delay. No prejudice as such would be caused to the respondent inasmuch as he has chosen not to appear and contest the matter.

7. Accordingly, application is allowed. Delay of 83 days in filing the appeal against the acquittal is condoned.

8. Application is disposed of.

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9. On registration of appeal, issue notice to the respondent, returnable within six weeks.

10. The In-charge of the concerned Police Station shall ensure the service of notice.

[G. A. SANAP J.]