

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

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.227 OF 2016**

**SOU.LEELABAI SHRIRANG PAWAR )...APPLICANT**

**V/s.**

**THE STATE OF MAHARASHTRA & ORS. )...RESPONDENTS**

Mr.Ujwal R. Agandsurve, Advocate for the Applicant.

None for Respondent Nos.2, 4 and 5.

Mrs.N.S.Jain, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.**

**DATE : 31<sup>st</sup> AUGUST 2017**

**P.C. :**

1           The learned advocate for the applicant submits that respondent no.3 is dead and seeks leave to delete respondent no.3 from array of respondents. Leave to amend the title cause forthwith.

2           This is an application for condonation of delay of 119 days in filing an application for leave to appeal. Though all the

respondents are served, none appeared for respondents, except the learned APP for respondent no.1/State.

3           I have heard the learned advocate appearing for the applicant as well as the learned APP appearing for the State. Delay in filing an application for leave to appeal challenging acquittal of respondents for offences punishable under Section 452, 324 and 504 read with 34 of the IPC is sufficiently explained in the application which is on affirmation. Averments made in the application are not countered.

4           In this view of the matter, I hold that the applicant was prevented from sufficient cause for not filing an application for leave to appeal within time. Therefore the order :

- 1) The application is allowed.
- 2) The delay in filing the application for leave to appeal is condoned.

**(A. M. BADAR, J.)**