

Presented on : 19.10.2022
Registered on : 19.10.2022
Decided on : 19.01.2023
Duration : 00 Y 03 M 00 D

IN THE COURT OF DISTRICT JUDGE-2, AMALNER
AT : AMALNER
(Presided over by P.R.Choudhari)

Cri. Misc. Appln. No. 43/2022
(CNR.MHJG010007842022)

Exh.No.:- 7

Sunil Chudaman Patil
Age- 52 years, Occu- Service,
R/o. Plot No.1, Ashokratna Nagar,
Amalner, Tal. Amalner, Dist- Jalgaon. ...Applicant.

Versus

1. State of Maharashtra
Through Assistant Police Inspector
Amalner Police Station,
Amalner, Dist-Jalgaon.
2. Sanju S/o. Julal Bhamre
Age- 58 years, Occu- Service,
R/o. Gurukrupa Colony, Amalner,
Tal. Amalner, Dist- Jalgaon. ... Opponents.

Learned Adv. Mr.S.B.Bagul for the Applicant.
Learned APP. Mr. K.R.Bagul for the State
Learned Adv. Mr. R.V.Nikam for the Opponent No.2.

Application for delay condonation.

:- ORAL JUDGMENT :-

(Delivered on this 19th day of January, 2023)

1. This application is filed by applicant against judgment and order of acquittal passed by JMFC. Amalner of RCC No.62/2015 of dtd. 02/02/2022.

2. It is the case of the applicant / ori. Complainant that the allegation of theft against the accused of the property owned by Sane Guruji Madyamik Vidyalala Amalner. The property of public institution has been stolen the applicant get knowledge of the acquittal of the accused at belated stage. When the applicant got the knowledge about the acquittal of the accused he has to obtain permission from the institution. So reasonable time is required.

3. He submitted that it was expected that the State will make an appeal against the acquittal of accused. But State did not make appeal so the delay is of 256 days delay is not intentional. The informant is having good case against society. Hence, delay may be condoned.

4. The accused objected application on the ground that delay is unexplained. Hence, application may be rejected.

5. The offence is of theft against the society at large. The judgment of trial court is to be scrutinized. Hence, it is the case in which delay is to be condoned. Hence, I proceed to pass following

order.

-: ORDER :-

1. The application is for delay of condonation hereby allowed on cost of Rs.2,000/- and is to be paid within 15 days of the date of order to accused or to deposit in the court.
2. Thereafter Cri. Appeal be registered after removing of office objection if any.
3. Inform Ld. Trial Court accordingly.

Date: 19.01.2023.

(P.R.Choudhari)
District Judge- 2, Amalner