

Cri.Misc.Appln.No.50/2022
Gopal v. Pramod and Ors.
MHWS010018672022

ORDER BELOW EXH.01

Applicant Gopal Digambar Chaudhari has filed this application for condonation of delay.

2. Perused the application and say filed by the non applicants/respondents. Heard learned advocate for applicant and learned advocate for respondents.

3. The learned advocate for applicant submitted that the applicant has filed appeal under 372 of Cr.P.C., against the order passed by JMFC, Washim in RCC No.83/2017 dated 15/12/2021 in between the parties State v. Pramod and others. He further submitted that the applicants came to know about the judgment passed by the learned JMFC, Washim in the month of October 2022 in Diwali vacation and hence, they applied for copies on 30/10/2022 and received the same on 15/11/2022. Therefore, from the date of knowledge the appeal within time. Hence, the present application is filed by the applicant along with his appeal for considering if any period of the filing of the appeal is laps then the period of filing of such appeal be condone in the interest of justice and equity.

4. The learned advocate for non applicants filed say and strongly opposed the application on the ground that applicant has not filed any document with this application as to show why delay caused to file appeal. The proper reason is not mentioned in the application. After passing the judgment, the appellant has not filed appeal within

limitation hence, same is not tenable as per provision of Law. Hence, prayed to reject the application.

5. After perusal of record it appears that the trial Court has passed order in RCC No.83/2017 on 15/12/2021. The applicant ought to have filed the appeal on or before 14/01/2022. The applicant has filed application for certified copy on 31/10/2022 which is already after more than nine months of limitation period and the present application is filed thereafter on 17/11/2022. It means already more than nine months delay caused in filing appeal.

6. It appears that applicant has not filed any document to show that he has not knowledge about the decision of the case dated 15/12/2021. It appears that delay is not intentional and deliberate. No prejudice will be caused to the respondents if delay is condoned. On the contrary, if delay is not condoned, definitely applicant will suffer irreparable loss. Moreover, it is necessary to decide the matter finally on merit. Hence, I hold that delay caused in filing appeal needs to be condoned subject to imposition of requisite costs upon applicant. Hence, proceed to pass following order.

ORDER

1. Application is hereby allowed and delay is condoned subject to cost of Rs.1,000/- (Rs. One thousand only).
2. The applicant is hereby directed to pay/deposit costs within 15 days from the date of this order. The said cost be paid to the DLSA, WAshim.
3. After paying cost, Office Superintendent is directed to register the appeal as per law.

Date : 30/04/2026

(V.D.Ingle)
Additional Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this P.D.F file Judgment/
Order are same word to word, as per the original judgment/order.

Name of Stenographer	:- R.R.Bharad, Stenographer (Grade-I)
Name of Court	:- Smt.VD.Ingle District Judge-2 and Additional Sessions Judge, Washim.
Date of Judgment/ Order	:- 30/04/2026
Judgment/Order signed by the Presiding Officer on	:- 30/04/2026
Judgment/Order uploaded on	:- 30/04/2026