

**IN THE COURT OF 7th ADDITIONAL SESSIONS JUDGE,
AT SURAT**

CRI. MISC. (Delay) APPLICATION NO. 3643 OF 2019

Exh.

Applicant/ accused : **VISHAL RAMESHBHAI KAMANI**
Aged 29 years, Occupation: Business
Res. At : 61, Devji Nagar Society, Near
Bhawani circle, A.K. Road, Surat.

V E R S U S

Opponent : (1) **ANILBHAI SURENDRABHAI PAL**
Aged : 46, Occupation : Business
Resi. At : 145, Jalaram Society, Gujarat
housing Board, Ganeshpur, Amroli, Surat-
395003.

(2) **ANIL @ BABLU PYARELAL**
KANAUIYA (Dhobi)
Aged : Adult, Occupation : Business
Resi. At : B/74, Aadarsh K.A.H. Society,
Aaspadada Mandir, Opp. Aastik School,
Godadara road, Surat.

(3) **STATE OF GUJARAT.**

Appearance

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Mr. J.M. Manvawala Learned Counsel for the Applicant.
Respondent No. 1 in person.

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::- JUDGEMENT -::

[1] The present application has been filed on behalf of the applicant for condonation of delay in filing Criminal appeal, being aggrieved from the judgment and order of sentence dated 27/05/2019 passed by Ld. 17Th Ad-hoc Addl. Civil Judge and JMFC, Surat whereby the appellant was convicted and sentenced to six month simple imprisonment and fine of Rs. 5,000/- and the appellant was further ordered to pay compensation of Rs. 1,00,000/- to the complainant.

[2] Ld. counsel for the appellant has submitted that there is delay of only Five days in filing the present appeal and if the delay is not condoned, the valuable right of the appellant to challenge the conviction and order on sentence on merits would be lost. It was further submitted that the appellant was suffering from viral fever and was advised rest from 25/06/2019 to 02/07/2019 and copy of certificate regarding the same is also enclosed with the application. It is further submitted that the matter is likely to be compromised between the appellant and the respondent No. 1. The respondent No. 1 also appeared before this Court and stated that she is ready to settle the matter and most likely the matter would be settled between the appellant and the respondent No. 1.

[3] I have perused the record and heard the submission of Ld. counsels for applicant and respondent. A perusal of record shows that the impugned order was passed on 27/05/2019 and the appeal was filed on 02/07/2019. Thus calculating the period of limitation it reveals that the last day of limitation to file the appeal was 26/06/2019 but the appeal was filed on 02/07/2019 with the delay of Six days. Considering the submissions made

by the Ld. Counsel for the appellant and the material on record and further the effect on the rights of applicant and the fact that the delay is of Six days and non condonation the delay would prejudice the rights of the applicant, I deem it fit to condone the delay in filing the present appeal. Thus, I pass following order.

ORDER

Delay condonation application in filing the appeal is hereby allowed. The Registry is directed to register the appeal separately.

Pronounced in open court today on this 12th day of July, 2019.

Date: 12/07/2019
Surat

(PRASHANT JAIN)
7th Addl. Sessions Judge, Surat
UID Code: GJ01507