

(2012) 09 GUJ CK 0069

In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 13821 of 2012 in Criminal Appeal No. 1130 of 2012

Mithunbhai Bavabhai Manker

APPELLANT

Vs

State of Gujarat

RESPONDENT

Date of Decision : 28-09-2012

Acts Referred:

Limitation Act, 1963 — Section 5

Penal Code, 1860 (IPC) — Section 363, 366, 376

Citation : (2012) 09 GUJ CK 0069

Hon'ble Judges : M. R. Shah, J

Bench : Single Bench

Advocate : Mrudulmbarot, for the Appellant; L.B. Dabhi, Assistant Public Prosecutor for Respondent : 1, for the Respondent

Judgement

Honourable Mr. Justice M.R. Shah

1. RULE. Shri L.B. Dabhi, learned Additional Public Prosecutor waives service of notice of Rule on behalf of respondent State. In the facts and circumstances of the case and with the consent of learned advocates appearing on behalf of the respective parties, present application is taken up for final hearing today. Present Criminal Miscellaneous Application u/s 5 of the Limitation Act has been preferred by the applicant - original accused to condone the delay of 24 days in preferring the Criminal Appeal challenging the judgment and order of conviction passed by the learned trial Court convicting the applicant for the offences punishable under Sections 363, 366 and 376 of the Indian Penal Code, 1860.

2. Having heard learned advocates appearing on behalf of respective parties and considering the averments in the application in support of the prayer to condone the delay and as sufficient cause has been shown and so as to give one additional opportunity to the applicant rather than non-suiting him on the technical ground of delay, delay caused in preferring the Criminal Appeal is hereby condoned. Rule is made absolute accordingly