

(2023) 01 GUJ CK 0141

In the Gujarat High Court

Case No : R/Criminal Misc.Application No. 18529 Of 2021, R/Criminal Appeal No. 1526 Of 2021 & R/Criminal Misc.Application No. 18529, 18532 Of 2021

State Of Gujarat

APPELLANT

Vs

Vipulbhai Keshubhai Parmar

RESPONDENT

Date of Decision : 30-01-2023

Acts Referred:

Citation : (2023) 01 GUJ CK 0141

Hon'ble Judges : Vipul M. Pancholi, J; Hemant M. Prachchhak, J

Bench : Division Bench

Advocate : Jirga Jhaveri, Viral J Vyas, Ashish M Dagli

Final Decision : Allowed

Judgement

Vipul M. Pancholi, J

This application is filed for condonation of delay of 307 days caused in filing aforesaid Criminal Appeal.

Heard learned APP Ms. Jirga Jhaveri for the applicant – State of Gujarat and learned advocate, Mr. Viral Vyas for learned advocate, Mr. Ashish Dagli for the respondents – accused.

Learned APP has referred to the averments made in this application and, thereafter, submitted that there is delay of 307 days caused in filing aforesaid criminal appeal, however, the applicant has shown sufficient caused for not filing appeal in limitation and, therefore, this application be allowed and the appeal be heard on its own merits.

On the other hand, learned advocate for the respondents has opposed this application and referred to the affidavit filed on behalf of the respondents. Learned advocate submitted that initially the State of Gujarat had taken decision not to prefer appeal against the judgment and order of acquittal passed by the concerned Court, however, as the application is submitted by the original first

informant, the State of Gujarat has now preferred the aforesaid appeal and, therefore, this application may not be entertained.

We have considered the submissions canvassed by learned advocates for the parties. We have also perused the material placed on record. We are of the view that the State of Gujarat has shown sufficient cause for not filing appeal within a period of limitation.

Hence, this application stands allowed. Delay is condoned. Rule is made absolute.