

Gujarat High Court

Kailashben vs State on 21 October, 2008

Author: H.B.Antani,&Nbsp

Gujarat High Court Case Information System

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CR.MA/1064720/2008 2/ 2 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL
MISC.APPLICATION No. 10647 of 2008

In

CRIMINAL
REVISION APPLICATION No. 141 of 2008

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KAILASHBEN
W/O.RAMESHBHAI ZALAMAKWANA - Applicant

Versus

STATE
OF GUJARAT AND OTHERS - Respondents

=====Appearance

:

MR ND SONGARA for the
Applicant.

MR PD BHATE, ADDITIONAL PUBLIC PROSECUTOR for
Respondent : 1.

RULE SERVED for Respondents : 2 - 5.

MR HM

PARIKH for Respondents : 2 - 5.

MR RASESH H PARIKH for Respondents
: 2 - 5.

=====

CORAM

:

HONOURABLE

MR. JUSTICE H.B. ANTANI

Date

: 21/10/2008

ORAL

ORDER

1. Heard learned Advocates for the respective parties, including learned Additional Public Prosecutor Mr. P. D. Bhate for respondent No. 1 - State.
2. This is an application under Section 5 of the Limitation Act for condoning the delay of 15 days caused in preferring Criminal Revision Application.
3. It is submitted that the applicant could not obtain the Certified Copy of the order dated 06-11-2007 passed in Sessions Case No. 45 of 2007 and, therefore, he could not prefer the application in time. In view of the above, it is submitted that the delay was caused in preferring the appeal and the same may be condoned.
4. The learned Additional Public Prosecutor Mr. P. D. Bhate submitted that the delay has not been sufficiently explained in the application and, therefore, the application deserves to be dismissed.
5. Having considered the submissions and on perusal of the averments made in the application, more particularly paragraph 3 of the application, the delay, in my considered view, has been sufficiently explained. There was no inaction or negligence on the part of the applicant in prosecuting the appeal.
6. In view of the above, the application is allowed. Delay is condoned. Rule is made absolute.

[H.

B. ANTANI, J.] /shamnath Top