

revision application by the respondent no.2 before the Sessions Court. Respondent no.2 is the accused in criminal case no. 471/PW/2008 arising out of the FIR No. 90 of 2008 registered at Santacruz Police Station on 27th February, 2008. The applicant is the complainant in the said case. Chargesheet has already been filed after investigation and as such the case in the court of Metropolitan Magistrate, 21st Court, Bandra, is pending against respondent no.2-Mrs. Snehal M. Butta. It is submitted that the pass-port of respondent no.2 has been seized during the course of investigation of the said case. Respondent No.2 had applied before the Magistrate for return of the pass-port. It appears that the said prayer has been rejected by the learned Magistrate. Respondent No.2, therefore, wanted to file revision application before the Sessions Court. However, there was a delay of 168 days in filing the revision application. Therefore, Misc. Application No.2646 of 2014 was filed before the learned additional Sessions Judge for condonation of the delay. The learned additional Sessions Judge for the reasons recorded in para -9 of his judgment has condoned the delay.

3 This order of the learned Sessions Judge is challenged in the present application. In the first place it may be mentioned here that the application filed by the respondent no. 2 before the learned Magistrate was for return of the pass-port only. As such there is no serious issue involved in the

revision application. I do not find anything wrong in the order of the learned Additional Sessions Judge, condoning the delay of 168 days. Moreover since the liberty of a person is involved as far as return of the passport is concerned, it is just and proper that the application is heard on merits instead of it being rejected on default.

4 In view thereof, the present application is dismissed. The order passed by the learned Additional Sessions Judge, condoning the delay is maintained.

5 The Application stands disposed of accordingly.

(JUDGE)

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