

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.362 OF 2014
IN
CRIMINAL REVISION APPLICATION (ST.) NO.446 OF 2014

Ulhas Ramakant Sawant ..Applicant.
versus
Sumati Waman Sawant and others ..Respondents.

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Mr. D.S. Pagare for the Applicant.
Mr. Vivek Singh i/b Mr. Manohar Rajput for Respondent Nos.1 to 6.
Mrs. S.D. Shinde, Addl. P.P. for the State – Respondent No.7.
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CORAM : A.S. GADKARI, J.

15th June, 2015.

P.C. :

Heard the learned counsel for the Applicant, learned counsel for the Respondent Nos.1 to 6 and the learned APP for the Respondent No.7.

2. This is an Application for condonation of delay of 434 days. The learned counsel for the Applicant submitted that the delay in filing the present Revision Application has occurred because he prosecuted wrong remedy. By the order dated 12th November, 2014 the learned Single Judge of this Court dismissed the Appeal preferred by the present Applicants. It is further submitted that though the Appeal was not maintainable in law, the concerned advocate filed the said Appeal and due to the prosecution of the wrong remedy, substantial time has been consumed in preferring the present Revision Application.

3. The learned counsel for the Respondent Nos.1 to 6 vehemently opposed the present Application.

4. I have perused the pleadings in the Criminal Application and for the reasons stated therein, I am satisfied that the delay is required to be condoned in the interests of justice, subject to payment of costs by the Applicant.

5. In that view of the matter, the delay of 434 days in preferring the Revision Application is hereby condoned subject to the payment of costs of Rs.1,000/- by the Applicant to be paid to the State Legal Aid Fund within a period of two weeks from today. The Application is allowed in the aforesaid terms.

(A.S. Gadkari, J.)