

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPR) NO.6 OF 2015
IN/AND
CRIMINAL REVISION APPLICATION NO. 4 OF 2015
(Mohan Kisan Gunjal Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S. V. Sirpurkar, Advocate for the applicant..
Shri A. H. Laddhad, A.P.P. for the State.

CORAM : V. M. DESHPANDE, J.
DATED : 15th OCTOBER, 2015

By the present application the applicant is seeking condonation of delay in preferring the revision challenging his conviction under Sections 324 and 506 of the Indian Penal Code by which he is convicted for 18 months.

Heard learned Counsel for the applicant and learned A.P.P. for the State.

The applicant has given two reasons for condonation of delay, (1) that, after the judgment was delivered by the appellate Court confirming his conviction, he could not contact his Counsel since he was under the treatment of Psychiatrist for major depression, and (2) initially he moved the revision along with an application bearing Criminal Application No. 45 of 2014, however, when the said application for condonation of delay was taken up by this Court on 25/3/2014, the Counsel appearing for the applicant submitted before this Court that inadvertently the material in

support of the application for condonation of delay was not placed along with the said application and, therefore, the prayer for withdrawal of the said application was allowed with liberty to file the fresh application. This Court on 25/3/2014 had allowed the application to withdraw the said application with a liberty as prayed for.

Since the liberty was granted by this Court on 25/3/2014, the present applicant is entitled to move the application for condonation of delay afresh.

The applicant was directed to surrender and in pursuance of that the applicant has filed pursis stamp No.3141/15 dated 22/9/2015 along with the application which he moved before the learned Magistrate for surrender and the order passed on the said application.

Since the applicant is in jail and he is questioning the correctness of the judgment and order convicting him, merely because there is delay of about five years, that cannot be the reason as to why the case of the applicant should not be considered on its own merit. In that view of the matter, the application is allowed. The delay caused for filing the revision is hereby condoned. The Registry is directed to register the revision.

Put up the revision after Diwali Vacation.