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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 350 OF 2016

Bajirao s/o Rakhmaji Lokhande,
Age: 52 years, Occu: Nil,
R/o Bhoom, Tq. Bhoom,
Dist. Osmanabad ..PETITIONER

VERSUS

The State of Maharashtra & ors. ..RESPONDENTS

Mr S. N. Rodge, Advocate for petitioner;
Mr K. D. Munde, A.P.P. for respondent/State.

CORAM : N.W. SAMBRE, J.

DATE : 24th August, 2016

ORDER :

Misc. Application No. 28 of 2005 was filed by the respondents claiming maintenance before the learned Judicial Magistrate First Class, Bhoom, which came to be allowed by an order dated 3rd July, 2008.

2. The applicant-husband, being aggrieved preferred Misc. Application No. 57 of 2013 seeking condonation of delay of five years and odd days,

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which application came to be rejected by the learned Sessions Judge, Bhoom by an order impugned dated 14th September, 2015.

3. Learned Counsel for the applicant would strenuously urge that the applicant being handicapped person, the Court must look into the right of the applicant in extra-ordinary writ jurisdiction.

4. Perusal of the application of condonation of delay moved before the revisional Court does not depict any genuine and bona fide reason for delay caused for five years. Even though it is claimed that the applicant is handicapped person, there is hardly any material on record to infer so. It is also hardly any material on record to infer that the degree of handicap is precluded him for filing the proceedings for five years.

5. In the above background, no case for interference in extra-ordinary jurisdiction is made

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out. As such, Criminal Writ Petition fails and stands dismissed.

(N.W. SAMBRE, J.)

Tupe