

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.671 OF 2014

Satara Municipal Council, Satara		Petitioner
V/s.		
The State of Maharashtra & Anr.		Respondents

Mr. Shailesh D. Chavan for the Petitioner.

Smt. R.V. Newton, A.P.P., for Respondent No.1-State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 12TH JANUARY 2016.

P.C. :

1. Heard.

2. This Petition is preferred by the Municipal Council seeking setting aside of the Judgment and Order dated 3rd August 2013 passed by the Additional Sessions Judge, Satara. By the impugned order, the application for condonation of delay preferred by the Petitioner, for challenging the Judgment and Order passed by the Judicial Magistrate, First Class, Satara in House Tax Appeal No.717 of 2002 dated 9th January 2006, came to be dismissed. The reason given for condonation of delay is that the Petitioner is a Municipal Council and due to heavy work load, it could not prefer the Revision Application in time. The second reason given is that one Mr. Pandit, who was looking after the Court cases, has not given the information in time and, as a result, there was a delay in preferring the Revision Application. It is urged that Mr. Pandit is now suspended from the

service. If the delay is not condoned, there will be substantial financial loss to the Municipal Council and hence, by taking a lenient view, the delay be condoned.

2. The notice of this Writ Petition was issued to Respondent No.2 twice and it was duly served on him on both the occasions. Respondent No.2 has, however, not remained present. Hence, taking into consideration the two grounds; that of the Petitioner being a Municipal Council, which is likely to suffer the financial loss, and the concerned Clerk, who was responsible for causing alleged delay, being suspended from the service, in the interest of justice, only in the absence of any contest from Respondent No.2, the delay deserves to be condoned by allowing this Petition.

3. Hence, the Petition is allowed. The impugned Judgment and Order dated 3rd August 2013, passed by the Additional Sessions Judge, Satara, rejecting the application for condonation of delay, stands quashed and set aside. In consequence, delay in preferring the Revision Application before the Sessions Court stands condoned.

[DR. SHALINI PHANSALKAR-JOSHI, J.]