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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.317 OF 2016

Sudhakar Gande	.. Applicant
Versus	
Reserve Bank of India and Anr.	...Respondents

Mr.Husayn Kopty, for the Applicant.

Mr.Ajinkya Patil i/b Udwadia And Co., for the Respondent No.1.

Mr.Avinash Kamkhedkar, A.P.P for the Respondent No.2-State

CORAM : REVATI MOHITE DERE, J.

DATE : 29th NOVEMBER, 2016

P.C. :

1. Heard learned counsel for the parties.
2. By this application preferred under Section 482 of the Code of Criminal Procedure, the applicant has impugned the order dated 22nd February, 2016, passed by the learned Additional Sessions Judge, Greater Bombay, in Miscellaneous Application No.3027 of 2015, by which his application seeking condonation of delay in filing the Criminal Revision

Application came to be rejected.

3. Learned Counsel for the applicant states that the applicant's discharge application was rejected by the trial Court vide order dated 7th May, 2015. He submitted that the certified copy of the said order was received by him only on 27th May, 2015. According to the learned counsel the applicant was working as a Director with M/s.Hindustan Infrastructure Project and Engineering Pvt. Ltd. (HIPE), which is a part of Jupiter Group, Bangalore, and as such was required to travel extensively within India as well as overseas. He submits that as a result of the same, he could not file the Criminal Revision Application in time. He submitted that the delay in filing the Criminal Revision Application is neither deliberate nor intentional but purely circumstantial and that the same ought to have been condoned in the interest of justice.

4. Learned Counsel for the respondent no.1 has tendered an affidavit in reply of the respondent no.1. The same is taken on record. According to the learned counsel for respondent no.1, the applicant has not explained the delay of 93 days which has occurred in filing the Criminal

Revision Application. He submitted that the delay condonation application was rightly rejected and as such no interference was warranted. He submitted that even the explanation offered by the applicant is from 1st August to 21st November, 2015 and that there is nothing to show what transpired in June and July, 2015.

5. Perused the papers. It appears that the applicant had filed an application seeking his discharge in C.C.No.1598/SW/2005, and the learned Additional Chief Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai was pleased to reject the discharge application filed by the applicant vide order dated 7th May, 2015. It appears that the applicant applied for certified copy of the impugned order dated 7th May, 2015 on the very day itself and that the certified copy was ready and delivered on 27th May, 2015. The Criminal Revision Application although ought to have been filed on or before 24th August, 2015, the same was filed only in November, 2015. Hence, there is a delay of 93 days in filing the criminal revision application. The applicant preferred an application seeking condonation of delay in filing the said Criminal Revision Application, however, the learned Additional Sessions Judge was pleased to reject the

said application vide order dated 22nd February, 2016. The applicant has annexed tickets of his Air travel right from 1st August to 21st November, 2015 to show that the applicant has been continuously traveling in connection with his work. The delay that has occurred is neither deliberate nor intentional but purely circumstantial. If the delay is condoned and if the matter is heard on merits, no prejudice whatsoever will be caused to the respondent no.1. The applicant has shown sufficient cause for condoning the delay.

6. Accordingly, the application is allowed. The impugned order dated 22nd February, 2016, passed by the learned Additional Sessions Judge, Greater Bombay, is quashed and set aside and accordingly, the delay of 93 days in filing the Criminal Revision Application is condoned.

7. Criminal Revision Application filed in 2015 is restored back to its original file. The learned Additional Sessions Judge, to decide the said Criminal Revision Application after the same is numbered.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.