

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

CRIMINAL WRIT PETITION NO. 1843 OF 2015

Dattatraya S. Pawar and ors.

... Petitioners

vs.

State of Maharashtra and anr.

... Respondents

Mr. Sanket Telang a/w Mr. Prathamesh Gokhale, Advocate for the petitioners.

Mr. D. R. More, Additional Public Prosecutor for the State.

Mr. Dilip Bodake, Advocate for respondent No.2.

Coram : Smt. R. P. SondurBaldota, J.

Date : 17th February, 2016.

P. C. :

1. This petition challenges the order dated 9th December, 2014, by which the Sessions Court, Pune dismissed the petitioner's application for condonation of delay of 127 days in preferring revision application against the order of the trial Court directing enquiry and investigation under Section 156(3) of Criminal Procedure Code. The petitioners claim that the delay had occasioned on account of applicant No.1 being busy with restoration of family court appeal and other applicants being busy in contesting matters pending before different Courts including

filing of applications for anticipatory bail in the month of January-2014. The petitioners also claimed to be under tremendous pressure due to initiation of criminal investigation and had failed to realise gravity and repercussions of the order proposed to be impugned.

2. The Sessions Court has held that the application of the petitioners lacked in bona-fides, because the applications for anticipatory bail filed by the petitioners were outcomes of the order proposed to be impugned. The observations of the Sessions Court are justified in the facts and circumstances of the case. The petitioners rushed to file applications for anticipatory bail only after the order of police investigation was passed. In any case, they had legal assistance available to them at the relevant time. Besides preoccupation with other Court proceedings cannot be said to be a sufficient ground for condonation of delay. Hence, the petition is dismissed.

[Smt. R. P. SondurBaldota, J.]