

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3258 OF 2016**

Akhilesh s/o Suryabali Singh	...Petitioner
Versus	
Harikesh s/o Chandrabali Singh & Anr.	...Respondents

Mr. Rajesh Singh for the Petitioner

Mr. K. H. Giri for the Respondent No. 1

Mr. S. R. Agarkar, A.P.P for the Respondent No.2-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 25th OCTOBER, 2016

P.C. :

1. Heard learned Counsel for the petitioner.

2. By this petition, the petitioner has impugned the order dated 6th February, 2016 passed by the learned Metropolitan Magistrate, 58th Court, Bandra, Mumbai, in an application seeking condonation of delay in filing Criminal Complaint No. 1637/SS/2012, as well as the order dated 29th August, 2016 passed by the learned Sessions Judge in Criminal Revision Application No. 297 of 2016, dismissing the said Revision Application.

3. Learned Counsel for the petitioner states that both the lower Courts have erred in passing the impugned orders. He submitted that the trial Court had erred in condoning the delay of 8 days in filing the criminal complaint. He submitted that the medical evidence brought on record shows that the petitioner, although ill, was not prevented from performing his day-to-day activities. He submitted that the Appellate Court had also erred in confirming the order of the trial Court.

4. Perused the papers as well as the impugned orders. Both, the trial Court as well as the Appellate Court have, in detail, considered the evidence adduced by the petitioner as well as the original complainant, before the delay of 8 days was condoned. The impugned orders are neither perverse nor illegal. Considering the aforesaid, no interference whatsoever is warranted in the writ jurisdiction. Accordingly, the petition is dismissed.

REVATI MOHITE DERE, J.