

contact him to know about the status of Revision Application. However, despite of his best efforts, he could not contact the advocate, and thus hired service of another advocate, from whom it was learnt that Revision Application was dismissed for want of prosecution. It is further pointed out that since applicant could not contact his advocate on record, he was required to apply for obtaining certified copies of Revision Application, as well as, that of impugned order, and in that event, sufficient time had lapsed, thus causing delay, as aforesaid. It is, therefore, prayed that application be allowed in the interest of justice, otherwise he would be suffer irreparable loss as applicant is stated to have good case on merits.

3 Learned Additional Public Prosecutor has opposed the applicant on the count that delay is not satisfactorily explained, as according to her, in spite of applicant having knowledge of dismissal of Revision Application, had failed to take immediate steps by obtaining certified copies of the proceedings and filing present application.

4 Having considering the facts, as aforesaid, it appears that the Revision Application came to be dismissed on 25/09/2013, while applicant on having knowledge of dismissal of his Revision Application applied for certified copies of the proceedings as well as of the impugned order on 30/05/2014 and the same were received on 20/08/2015. Thereafter, present application is filed on 30/08/2015.

5 In that view of the matter, and considering the grounds put forth in paragraph 4 of the application, application is liable to be

allowed in the interest of justice, as there does not appear willful delay caused by applicant in filing this application. On the contrary, if application is not allowed, applicant will be deprived of his right to proceed with the case on merits. Application is allowed by imposing reasonable cost, as per order below :

- (1) Criminal Revision Application No.386 of 2015 is allowed.
- (2) Delay caused in filing Criminal Revision Application No.387 of 2013 is condoned subject to applicant's paying cost of Rs.5,000/-. Cost be paid within a week from today.
- (3) On payment of cost, same be deposited with the State Legal Aid Authority.
- (4) Criminal Revision Application No.169 of 2013 be restored on the file of this Court.
- (5) Applicant to serve copy of Revision Application to respondent afresh.

(P. N. DESHMUKH J.)