

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 452 OF 2015**

WITH

**CRIMINAL APPLICATION NO. 453 OF 2015
CRIMINAL APPLICATION NO.454 OF 2015**

IN

CRIMINAL REVISION APPLICATION (ST.) NO.528 OF 2015

WITH

CRIMINAL APPLICATION NO. 449 OF 2015

WITH

**CRIMINAL APPLICATION NO. 450 OF 2015
CRIMINAL APPLICATION NO.451 OF 2015**

IN

CRIMINAL REVISION APPLICATION (ST.) NO.527 OF 2015

Mr. Sushil Kumar Mishra Applicant

Vs.

The State of Maharashtra & Anr. Respondents

Mr. Prakash Naik alongwith Mr. Jagdish Choudhary i/by Mr. Ashok Dubey, Advocate for the Applicant.

Ms. A.Malhotra, A.P.P for the State.

Mr. Lokesh Zade alongwith Prerak Sharma i/by Vishal Acharya for Respondent no.2.

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

Date : 25th February, 2016

P.C.

1 This is a common order on the above two applications for condonation of delay of 419 days in filing the revision applications. The applicant is the original accused, who has been convicted of the offence punishable under Section 138 Negotiable Instruments Act, which conviction has been upheld by the Sessions Court. The orders of the Sessions Court are dated 6th June, 2014 and the present applications are filed on 23rd October, 2015.

2 Both the applications set out identical grounds for condonation of delay. The same are stated at paragraph 4 of both the applications. The applicant claims that he received copy of the order of the Sessions Court on 2nd July, 2014, but could not file the revision applications in time, since his father was very sick who expired on 27th December, 2014. He being the only son of the parents, had to look after his father and as such could not concentrate on the legal proceedings. The second ground stated is of having “huge financial crunches” in the said period. He claims to be jobless and totally dependent upon his son and daughter-in-law.

3 The three different periods of time relevant of consideration of the applications are i) 6th June, 2014 to 2nd July, 2014, ii) 3rd July, 2014 to 27th December, 2014 and iii) 27th

December, 2014 to 23rd October, 2015. The explanations offered in the applications relate only to the latter two periods. As regards the first period, the applications neither acknowledge this period nor explain the same.

4 The explanation of sickness of the father of the applicant can relate only to the second period. This explanation is vague and without necessary particulars. The applicant has not stated the nature of ailment of the father and the attention required to be given to him by the applicant. He has also not disclosed the period of ailment. In the circumstance, it is difficult to accept that sickness of the father prevented the applicant from filing the revision applications.

5 The second explanation may relate to both the latter periods. This explanation is also devoid of necessary particulars. Thus the applicant has not made any case for condonation of delay. Hence the Criminal Applications are dismissed.

6 In view of dismissal of the Criminal Applications, the proceedings revision applications for bail and for suspension of sentence do not survive, the same are accordingly disposed off.

(Smt. R.P SondurBaldota, J.)