

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.508 OF 2015

IN

CRIMINAL REVISION APPLICATION (ST.) NO.216 OF 2011

JANU BHIKA BANGAR

)...APPLICANT

V/s.

NARAYAN BHIWA VYAPARI AND ANR.

)...RESPONDENTS

Ms.Payoshi Roy i/b. Dr.Yug Mohit Chaudhary, Advocate for the Applicant.

None for Respondent No.1.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 30th SEPTEMBER 2016.

P.C. :

1 Heard learned counsel for applicant. None for respondent no.1. Learned counsel for applicant has placed on record affidavit of service to said respondent. Copy of same is taken on record. Heard learned APP.

2 This is an application for condonation of delay of 3 years and 273 days caused in filing application for restoration of revision

application which came to be dismissed for default on 12th January 2012. Learned counsel for applicant had contended that applicant came to be convicted by the trial court and due to such conviction, he was demoted by his employer, due to which pension which was payable to applicant to the extent of Rs.14,000/- per month, was reduced to Rs.3500/- per month. Applicant is, thus, facing immense hardship and financial constraint, and as such, he being a uneducated man, as was relying upon his lawyer, who did not attend the court, revision application preferred by applicant came to be dismissed.

3 Having considering the case of applicant as aforesaid, and as respondent no.1 though appears to be served, failed to appear and as such appears to be not serious in opposing the claim of applicant, application is liable to be allowed by condoning the delay as aforesaid, in the interest of justice. Hence following order is passed :

- i) Criminal Application No.508 of 2015 is allowed.
- ii) Delay caused in preferring application for restoration of revision application is condoned.

(P N. DESHMUKH, J.)