

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5 of 2017
IN
CRIMINAL REVISION APPLICATION (ST) NO.5 of 2017

Vinod Chandulal Shah)...Applicant

V/s.
SEBI and Anr.)...Respondents

Mr. Sagar Sheth with J.J.Bhatt i/by Rinky Valanju, Advocates for the Applicant.

Mr. Omprakash Jha i/by Law Point for SEBI.
Mr. Avinash Kamkhedkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 16th JANUARY 2017.

P.C. :

This is an application for condonation of 265 days delay in filing revision application challenging rejection of application of discharge of the applicant-original accused.

2 Heard learned counsel appearing for the applicant-accused as well as learned counsel appearing for non-applicant SEBI as well as the learned APP. The learned counsel for non-applicant-SEBI argued that there is no sufficient cause to condone

the delay as the reason given is suffering from a great shock and not in a position to take decision in the matter. No documents showing medical ailment of the applicant are produced on record.

3 It is well settled that the term 'Sufficient Cause' needs liberal construction. When cause of substantial justice is pitted against technicalities of law, cause of substantial justice gets preference. In the case in hand, the applicant is an aged person and he is stated to be working as a clerk with DFPL for reconciliation of old accounts. Availability of funds, ailment, suffering of shock as such, are natural consequences when age of the applicant is concerned. In this view of the matter, for the stated reasons, delay is condoned. Application is allowed.

(A. M. BADAR, J.)