

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.155 OF 2017**

**IN**

**CRIMINAL REVISION APPLICATION (STAMP) NO.161 OF 2017**

**NANDLAL BALCHAND TATIYA**

**)...APPLICANT**

**V/s.**

**THE STATE OF MAHARASHTRA**

**)...RESPONDENT**

Mr.Nilesh Tribhuvan, Advocate for the Applicant.

Mr.Ameet Palkar, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.**

**DATE : 29<sup>th</sup> MARCH 2017.**

**P.C. :**

1           This is an application for condonation of delay in preferring the revision petition challenging the order passed below Exhibit 56 in Special (Atrocities) Sessions Case No.27 of 2014 whereby the learned trial Judge was pleased to allow the application filed by the prosecution under Section 319 of the Code of Criminal Procedure (Cr.P.C.) and had directed issuance of summons against the present applicant.

2            Heard the learned advocate appearing for the  
applicant as well as the learned APP for the State.

3            Initially, the applicant had preferred Writ Petition  
bearing no.2422 of 2016 seeking to challenge the order below  
Exhibit 56 passed by the learned trial Judge but subsequently  
revision petition came to be filed along with the instant  
application and there is delay in preferring the revision petition  
challenging the impugned order.

4            Thus, it is clear that the applicant was diligent in  
prosecuting his remedy albeit under wrong provisions of law.  
Hence, the applicant has established sufficient cause in not  
approaching this court within the prescribed time.

5            In this view of the matter, the application is allowed.  
The delay in preferring the revision petition is condoned.

**(A. M. BADAR, J.)**