

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
**CRIMINAL APPLICATION NO. 1193 OF 2017**  
**IN**  
**CRIMINAL APPEAL (St.) NO. 719 of 2017**

|                                     |     |             |
|-------------------------------------|-----|-------------|
| Vimal Tibrewala                     | ... | Applicant   |
| Vs.                                 |     |             |
| The State of Maharashtra & Anr. ... |     | Respondents |

Mr.G.C.Jhaveri, for the applicant.  
Mr.A.R.Kapadnis, APP,for the State.

**CORAM: RANJIT MORE &**  
**SMT.SADHANA S.JADHAV, JJ.**  
**DATE : 25<sup>th</sup> September, 2017.**

**P.C.**

The application is filed for condonation of delay of 2 years and 9 days in filing the aforesaid Appeal.

2. By this Appeal, the applicant is challenging the order dated 14.7.2015 passed by the Special Judge, M.P.I.D. Act & Addl. Sessions Judge, City Civil & Sessions Court at Bombay in Misc. Application No. 403 of 2004.

3. The learned counsel for the applicant submits that the applicant has explained the delay by making averments in paragraphs 9(a) and (b) of the Application which read as follows :-

“9. (a)      *The applicant further states that he has a*

*good case on merits as he ha supporting documents to show that he is an investor and not a debtor as projected by the prosecution. He has not missed the dates intentionally and it will be in interest of justice to give him one opportunity to put forth his representation and defend.*

*(b) The applicant further states that as soon as he came to know about the impugned order through a letter from the Competent Authority, he immediately made his representation before the competent authority, and subsequently he was issued another notice by the same competent authority, since no replies were received, the applicant came across the present advocate, who advised him to file this appeal.”*

Perusal of the above paragraphs makes it clear that the applicant has not given the dates and particulars on which he received the order impugned in the aforesaid Appeal. No sufficient explanation is given justifying the delay in filing the aforesaid Appeal.

4. The learned counsel for the applicant submits that the applicant approached the Competent Authority. He invited our attention to an application made by the applicant to the Competent Authority (at page 45 of the Appeal Paper-book). On going through the same, we find that there was no reason for the applicant to approach the Competent Authority since the order is passed by the Special Judge under M.P.I.D. Act. The applicant had knowledge about the impugned order, but failed to approach this Court within limitation. As stated above, there is no sufficient

explanation by the applicant for condonation of delay. We are, therefore, not inclined to entertain the present Application. The same is dismissed.

**[SMT. SADHANA S.JADHAV, J.]**

**[RANJIT MORE,J.)**