

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.567 OF 2016**

IN

CRIMINAL REVISION APPLICATION (STAMP) NO.570 OF 2016

Roshan Electricals Pvt. Ltd. and Ors.)...Applicants

V/s.

State Of Maharashtra & Anr.)...Respondents

Ms. Mega Bagoria i/by K.S.Patil, Advocates for the Applicant.

Mr. A.D.Kamkhedkar, APP for the Respondent - State.

Mr. H.S.Venegavkar, Advocate for R.No.2.

CORAM : A. M. BADAR, J.

DATE : 21st MARCH, 2017.

P.C. :

This is an application for condonation of delay of 212 days in preferring revision petition seeking challenge to the order passed by the learned Special Judge, Mumbai thereby rejecting application for discharge moved by the revision petitioner.

2 Heard both sides. Mr. Venegavkar the learned advocate appearing for respondent no.2-CBI vehemently opposed this application by contending that delay occasioned is that of 212

days and it is not attributable to due diligence.

3 I have carefully considered the rival submissions and also perused the application which is on affidavit. The delay occasioned because applicants were busy in several Court proceedings as well as proceedings regarding sale of his assets.

4 When technicalities are pitted against the cause of substantial justice, cause of substantial justice needs to be given preferences as primary function of the Court is to adjudicate dispute between the parties on merits.

5 In this view of the matter, application for condonation of delay is allowed. Delay caused in filing revision petition is condoned.

(A. M. BADAR, J.)