

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 631 OF 2016
IN
CRIMINAL REVISION APPLICATION (st) NO. 637 OF 2016

Shri Yayakhan Rajekhan Khan ..Applicant

v/s.

Shri Dattatraya Gundaji Sonawane
& Anr. ..Respondents

Mr. R.A.Naik i/b. Mr. Umesh Mankapure for the Applicant.
Ms.S.D.Shinde, APP for the State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 3rd APRIL 2017.**

P.C.

1. The Applicant herein, by judgment and Order dated 18th June, 2004 has been convicted for Offence under Section 353 of Indian Penal Code and sentenced to pay fine of Rs.3000/- in default to undergo simple imprisonment for one month. By this application, the Applicant has sought to condone the delay of 12 years in challenging the impugned Order.
2. Heard the learned Counsel for the Applicant and the learned APP for the State. The applicant has placed on record, a Certificate

issued by a Physician stating that the Applicant is suffering from Right sided Hemiparalysis and Ischaemic heart disease. The Applicant has not raised the ground of sickness in the Application for Condonation of delay.

3. The only ground which is stated in paragraph 8 of the Application is that, the Applicant is planning to go to Hajj, and that when he contacted his local travel agent in the month of April 2016, the travel agent has asked him to submit the details of the cases pending against him. The Applicant states that when he contacted his Advocate and asked him about the status of the case, the Advocate has informed him about the said judgment and told him to challenge the said Order. The grounds stated in paragraph 8 of the application do not constitute sufficient grounds so as to condone the delay of 12 years in filing the appeal.

4. It is true that the term 'sufficient cause' has to be interpreted liberally as to ensure dispensation of substantial justice. But, certainly inaction or negligence cannot be construed as 'sufficient cause'. In the instant case the applicant has not made sufficient cause. In fact, the grounds stated indicate that the applicant has

been negligent and has not acted with due diligence. Hence, the delay cannot be condoned.

5. In view of the above, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)