

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4475 OF 2016**

Devilal Kanniram Sanghvi @ Jain Petitioner

Vs.

The State of Maharashtra & Ors. Respondents

Mr. Jagdish Chaudhary i/by M/s Raj Legal, Advocate for the
Petitioner.

Ms. Pallavi Dabholkar, A.P.P. for the respondent- State

Coram : Smt. R.P. SondurBaldota, J.

Date : 31st January, 2017

P.C.

1 This petition is directed against the order dtd. 24th October, 2016, by which the Sessions Court dismissed the petitioner's application for condonation of delay of 275 days in filing the revision application to challenge the order of dismissal of his complaint.

2 The explanation offered by the petitioner in his application for condonation of delay is of improper and inefficient legal advice given to him by different advocates. According to the application, during the period 20th August, 2014 to July 2015, he had consulted many advocates. Finally

when he met his present advocate, the revision application along with an application for condonation of delay came to be filed in August, 2015. The order sought to be impugned in the revision application is dtd. 7th August, 2014. The petitioner claimed to have received its certified copy on 20th August, 2014. The Sessions Court while dismissing the application for condonation of delay has noted that the complaint filed by the petitioner has been pending for evidence before charge since the year 1994. The record showed that the petitioner had sought exemptions from appearance on various dates over a long period of time and his applications had been allowed and exemptions granted. Thereafter since the year 2003, he failed to lead evidence before charge. The trial court, while dismissing the complaint had observed that the conduct of the petitioner reflected in the record indicates that he does not want to lead any evidence. He was not prosecuting the proceedings diligently. As regards the cause set out in the application for condonation of delay of wrong legal advice, the Sessions Court has opined that the same is apparently a cooked-up story and there is no plausible reason for the delay. It also noted that the petitioner has not disclosed in his application the names of the advocates to whom he had approached during the period. Since the proceedings have been pending for 21 years, at the stage of evidence before charge, the Sessions Court rejected the application for condonation of delay.

3 I find no infirmity whatsoever with the impugned order. Perusal of the application for condonation of delay shows that the cause set out therein is without any particulars. Besides, the cause stated cannot be believed. Further pendency of the proceedings for 21 long years at the stage of evidence before charge can not be justified under any circumstance. Hence, the petition is dismissed.

(Smt. R.P. SondurBaldota, J.)